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ABSTRACT

In 1996, many states took action to give parents greater control over the education of their children. Many local school boards adopted initiatives to give parents educational choice and the ability to use vouchers to help pay tuition costs at schools of their choice. Over 200 new charter schools opened in 17 states, and an additional 6 states and the District of Columbia enacted charter school laws. As the news about school choice spread, 43 of the nation's governors supported some type of choice in education in 1996. In addition, advocates of publicly funded voucher programs praised the results of two studies of the efficacy of the Milwaukee (Wisconsin) school choice plan. It is probable that 1996 will prove to be the year that paved the way for advances in school choice in 1997 and beyond. This report presents state-by-state analyses that provide snapshots of the status of each state's progress toward school choice and charter schools through December 1996. The state profiles include average enrollments, per pupil expenditures, pupil/teacher ratios, graduation rates, and academic and college test score rankings. Each summary contains information on the state's education statistics, an overview of its educational reform efforts, and an analysis of recent developments in school choice and charter schools, as well as a review of the governor's position on market-based reforms and a list of state and local contacts. (SLD)

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School Choice Programs

What's Happening in the States

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by Dorothy B. Hanks

With an Introduction by
Nina H. Shokraii and Dorothy B. Hanks

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School Choice Programs

What's Happening in the States

1997 Edition

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With an Introduction by
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Introduction

For parents and advocates of education reform, 1996 proved to be a watershed year. Many states took action to give parents opportunities to assert greater control over the education of their children. For example:[1]

- Local school boards adopted initiatives to give parents educational choice and the ability to use vouchers to help pay tuition costs at the schools of their choice.
- Over 200 new charter schools opened in 17 states.
- An additional six states and the District of Columbia enacted charter school laws.
- Important long-term studies of students who participated in the Milwaukee school choice plan were released that documented and applauded the students' tangible academic improvements.
- A court decision in 1996 in Ohio upheld the constitutionality of a Cleveland scholarship program that allowed inner-city children to attend private and religious schools using public funds. (Unfortunately, on May 1, 1997, the Ohio Court of Appeals struck down the Cleveland Pilot Project Scholarship Program.)
- The good news about school choice even included its spreading popularity in statehouses and on the pages of local newspapers.
- Forty-three of the nation's governors supported some type of choice in education in 1996.

This growing support for school choice is, in many ways, the result of growing dissatisfaction with public school education. A survey reported in *The Washington Post* in September 1996 shows that Americans consider the deterioration of public schools to be the country's most pressing problem. A surprising 62 percent of those surveyed felt that "The American educational system will get worse instead of better."[2]

Their fears are not unfounded. According to the U.S. Department of Education, the U.S. government spent $301.9 billion on education at the federal, state, and local levels in 1996 alone.[3] A study released by the Department of Education in November 1996[4] compared the math and science test scores of American eighth graders with those of eighth graders in 40 other countries. American public school students placed only in the bottom half in math and in the middle in science. According to the Department of Education, "The math scores of our very best U.S. eighth graders, who perform at the 95th percentile for our nation, are not significantly different than the scores of average eighth graders in Singapore, who perform at their nation's 75th percentile." Only 13 percent of U.S. students scored in the top 10 percent in science, while only a dismal 5 percent scored in the top 10 percent in mathematics.

Faced with these deplorable statistics and the surging demands of parents for increased accountability, higher standards, and more parental involvement in education, lawmakers are turning to the only education reform initiatives that offer immediate and measurable results for the money invested: school choice and charter schools. The bandwagon to better

1. Information for each state was compiled from the following sources: American Legislative Exchange Council, *Report Card on American Education* (Washington, D.C.: American Legislative Exchange Council, May 1, 1995); *The Blum Center's Educational Freedom Report No. 42* (December 20, 1996); *National Charter School Directory, Third Edition*, ed. Angela H. Dale (Washington, D.C.: Center for Education Reform, Fall 1996); *School Reform in the United States: State by State Summary* (Washington, D.C.: Center for Education Reform, Spring 1997); Chester E. Finn, Jr., Bruno V. Manno, and Louann A. Bierlein, *Charter Schools in Action: What Have We Learned?* (Washington, D.C.: Hudson Institute, 1996).

2. Mario A. Brossard and Richard Morin, "American Voters Focus on Worries Close to Home," *The Washington Post*, September 15, 1996, p. A1.

3. *Budget Bulletin No. 6*, ed. Amy Call, Majority Staff, Committee on the Budget, U.S. Senate, 105th Cong., 1st Sess., March 3, 1997.

4. U.S. Department of Education, *Pursuing Excellence: A Study of U.S. Eighth-Grade Mathematics and Science Teaching, Learning, Curriculum, and Achievement in International Context*, National Center for Education Statistics, NCES 97-98 (Washington, D.C.: U.S. Government Printing Office, 1996).

education is gaining momentum and making its way across the country.

THE POPULARITY OF SCHOOL CHOICE

Recent polls conducted throughout the United States reveal strong parental support for choice in the types of schools their children can attend—especially in areas that serve large, low-income minority populations. One such poll, conducted in April 1996 by the Joint Center for Political and Economic Studies, a think tank in Washington, D.C., found that 61 percent of African-American parents and 64 percent of 18- to 25-year-olds favor school choice.[5] These percentages soared in cities that have school choice programs already in place. In Milwaukee, for example, 95 percent of African-Americans support school choice.[6]

Charter School Initiatives

Charter schools—schools that are run by teachers and parents around a well-defined curriculum—are capturing the attention of local communities and legislatures throughout the states. In 1996:

- Education reformers opened 215 charter schools in 17 states, bringing the total number across the country to 480.
- Connecticut, the District of Columbia, Florida, Illinois, New Jersey, North Carolina, and South Carolina successfully enacted charter school laws in 1996, bringing the total number of states with charter schools to 25.
- Alaska, Delaware, the District of Columbia, Florida, Illinois, Louisiana, and Texas enabled charter schools to open their doors for the first time in 1996.
- Legislation to create charter schools or initiate some form of school choice programming also has been proposed in 16 states since 1995.

A July 1996 report by the Indianapolis-based Hudson Institute[7] found high levels of satisfaction with charter schools among students and their parents, who boasted of the charter schools' clear academic expectations, safety level, amount of individualized instruction, committed teachers, and familial atmosphere.

Voucher Programs

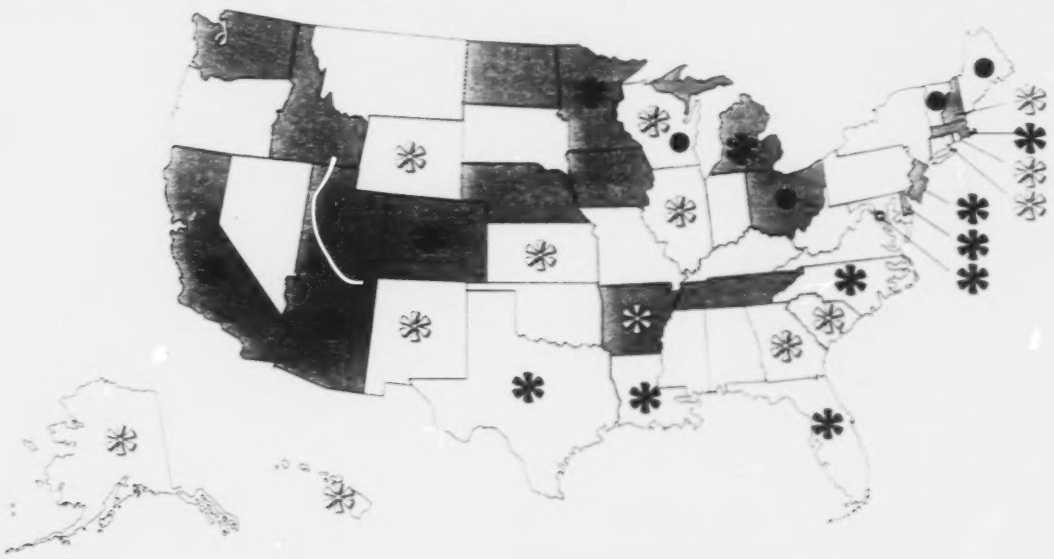
Advocates of publicly funded voucher programs lauded the results of two 1996 studies on the Milwaukee school choice plan. The first, conducted by Jay P. Greene of the Center for Public Policy at the University of Houston and Paul E. Peterson of Harvard University's John F. Kennedy School of Government,[8] demonstrated for the first time that students participating in the Milwaukee school choice experiment made major academic strides compared with a control group in Milwaukee's public schools. After three years, the gap between the test scores of whites and minorities narrowed by 33 percent to 50 percent. The second study, conducted by Cecilia E. Rouse of Princeton University,[9] found that the Milwaukee school choice experiment significantly increased the mathematical achievement of students who had participated in the program. All three researchers concluded their studies by calling for more school choice experiments in order to measure a larger sample of students.

Advocates of parochial schooling have reason to rejoice as well. An article by Sol Stern[10] chronicling the academic benefits of Catholic schooling for inner-city students appeared in the Summer 1996 issue of New York's City Journal and garnered widespread attention. The public spotlight also fell

5. Rochelle L. Stanfield, "A New Survey Fuels Voucher Debate," *National Journal*, April 27, 1996, p. 938.
6. Wisconsin Policy Research Institute Report, *Expanded School Choice in Milwaukee*, Vol. 8 (1995).
7. Finn, Manno, and Bierlein, *Charter Schools in Action: What Have We Learned?*
8. Jay P. Greene and Paul E. Petersen, "The Effectiveness of School Choice in Milwaukee: A Secondary Analysis of Data from the Program's Evaluation," presented at Panel on the Political Analysis of Urban School Systems, American Political Science Association, San Francisco, California, August-September 1996.
9. Cecilia E. Rouse, "Private School Vouchers and Student Achievement: An Evaluation of the Milwaukee Parental Choice Program," Executive Summary, Princeton University Labor Lunch and National Bureau of Economic Research Program on Children Conference, December 1996.
10. Sol Stern, "The Invisible Miracle of Catholic Schools," *The City Journal*, Summer 1996, pp. 14-26.

Map 1

School Choice and Charter School Programs Across the Country



Public School Choice Throughout the State (18)

Public School Choice Within Some or All Districts (11)

Medium to Strong Charter School Laws (13)

Weak Charter School Laws (13)

Publicly-Sponsored Full School Choice (4)

Sources: Center for Education Reform and the Hudson Institute

on studies by University of Chicago economist Derek Neal[11] and City University of New York's Seymour Lachman and Barry Kosmin which reconfirm past findings on the benefits of religious schooling.[12] These studies found that Catholic schooling dramatically increased the probability of high school and college graduation—achievements that translate into future wage gains for the student. Specifically:

- Neal's study found that the probability that inner-city students would graduate from high school increased from 62 percent to at least 88 percent when those students were placed in a Catholic secondary school.
- Lachman and Kosmin found that nearly 77 percent of black students in Catholic high schools graduated from college.

Tuition at parochial schools often is only half as much as the cost of educating one student in an inner-city public school. According to a study on the costs of private school education conducted by the Washington-based Cato Institute[13] and released in March 1996, 67 percent of all private elementary and secondary schools charge $2,500 or less in tuition.

11. Derek Neal, "The Effect of Catholic Secondary Schooling on Educational Attainment," Working Paper Series No. 5353, National Bureau of Economic Research, November 1995.

12. Robin T. Edwards, "Religion Survey holds surprises: Catholic blacks graduate, big churches boom," *National Catholic Reporter*, Vol. 30, No. 8 (December 17, 1993), p. 3.

13. David Boaz and R. Morris Barrett, "What Would a School Voucher Buy?" Cato Institute Briefing Paper No. 25, March 26, 1996.

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while the average tuition in private schools is only $3,116—less than half the national average cost of educating a student in public school ($6,857).

In 1996, Cardinal John J. O'Connor of New York City, in response to a challenge from then-American Federation of Teachers President Albert Shanker, offered to place the city's "lowest performing" 5 percent of public school students in Catholic schools in the city at no charge. His offer directly challenged the education establishment's argument that private and parochial schools succeed because they admit only the best and brightest students. The Board of Regents torpedoed a similar proposal, championed by Regent Carlos Carballada, that would have allowed children in 87 failing schools in New York to choose to attend a better school. Further developments on this front look positive for 1997.

New private-sector scholarship programs also flourished in 1997, bringing the total number of programs to 31. As of August 1996, 27 of these autonomous programs had raised over $30 million and were serving more than 10,000 children around the country.[14] Most recently, a bill passed by the Arizona legislature and signed by Governor Fife Symington on April 7, 1997, will allow Arizona residents to claim an income tax credit of up to $500 for donations they make to private-sector scholarship programs.[15] This victory for proponents of school choice initiatives sets the stage for many other states to develop similar programs. Many children will benefit from the surge in the number of private-sector scholarships available through these programs.

CHALLENGES TO SCHOOL CHOICE INITIATIVES

Courtroom challenges to the constitutionality of school choice brought choice advocates a phenomenal victory and two sour setbacks in 1996. In Ohio, state court judge Lisa Sadler upheld the constitutionality of the Cleveland scholarship program, opening the way for nearly 2,000 youngsters to attend private and religious schools with public funds. A decision, however, was handed down by the Ohio Court of Appeals on May 1, 1997, striking down the entire program. The case is being appealed to the Ohio Supreme Court.

In Wisconsin, Circuit Court Judge Paul Higginbotham struck down the expansion of the Milwaukee school choice program on a variety of state constitutional grounds. As of May 1997, that case was still pending before the Wisconsin Court of Appeals. And in August, the town of Chittenden, Vermont, challenged the state's policy prohibiting towns from placing students in parochial schools at taxpayer expense. The case, filed by the town at the request of parents, is pending in trial court.

1996 also will be remembered as the year the teachers' unions and their congressional allies defeated a small school choice plan for the neediest children in Washington, D.C. Then-Superintendent of Education Franklin Smith, Mayor Marion Barry (D), and numerous parents fed up with the District's failing school system joined in supporting a plan that offered much hope for the future of the District's children. The plan—attached to Congress's District of Columbia appropriations bill—successfully cleared the House but then was killed in the Senate. The House is likely to resurrect a similar plan during the 105th Congress.

THE BRIGHT OUTLOOK FOR CHOICE IN 1997

All in all, over 43 governors supported some type of choice in education in 1996. Governors Arne Carlson of Minnesota, Tom Ridge of Pennsylvania, and George Voinovich of Ohio are leading the way in the growing state support for school choice and charter school programs in 1997. Governor Froilan Tenorio of the U.S. Commonwealth of the Northern Mariana Islands is likely to approve a plan in 1997. Legislatures in Colorado, Florida, Iowa, Maryland, New Jersey, New York, Texas, and Utah will be taking on the education special-interest groups by considering various initiatives targeted at creating additional educational opportunities to students.

14. Tamara Henry, "Private sector helps needy kids go to private school," *USA Today*, August 28, 1996.

15. Carol Innerst, "Scholarship donors can get $500 tax credit in Arizona," *The Washington Times*, April 8, 1997, p. A9. See also editorial, "Choice Wins in Arizona," *The Wall Street Journal*, April 7, 1997.

Congress also will engage in efforts to enact legislation promoting school choice in 1997. In the House, Representatives J. C. Watts (R–OK) and James Talent (R–MO) have introduced H.R. 1031, improving upon legislation they had offered last year aimed at providing vouchers to the country's low-income students. The leading sponsors of school choice in the Senate, Spencer Abraham (R–MI) and Joseph Lieberman (D–CT), have introduced almost identical legislation in S. 432. Senator Paul Coverdell (R–GA) also has introduced legislation (S. 1) to assist children who attend dangerous schools with educational scholarships.

CONCLUSION

To choice advocates around the country, 1996 likely will be remembered as the year that paved the way for a flurry of victories in 1997 and beyond. As in previous years, state and local governments and the private sector are leading the way in devising, lobbying, and implementing the nation's most cutting-edge reforms. As the numbers of school choice, private scholarship, and charter school programs multiply around the country, the anti-school choice movement is finding it increasingly difficult to fight against reforms that empower parents more than bureaucrats. For these reasons, 1997 promises to be an interesting and productive year for education initiatives.

The state-by-state analyses that follow provide "snapshots" of the status of each state's progress toward school choice and charter schools through December 1996. The state profiles include average enrollments, per pupil expenditures, pupil/teacher ratios, graduation rates, and academic and college test score rankings. Each summary includes information on the state's education statistics, an overview of reform efforts, and an analysis of recent developments in school choice and charter schools in 1996, as well as the governor's position on market-based reforms and a list of state and local contacts.

Much has happened in the last year. When parents and education reform advocates look back at 1996, they should remember it as the year that smoothed the rough terrain for numerous market-based education reform victories in 1997.

For further information and updated information on school choice initiatives in each state, visit The Heritage Foundation's School Choice Web site at *www.heritage.org/heritage/schools*. The authors may be contacted either by calling (202) 546-4400 or by sending an e-mail message to *shokraiin@heritage.org* or *hanksd@heritage.org*.

An Explanation of the State Summary Categories

State Profile:

Total number of students in public elementary and secondary schools: The number of students enrolled in the fall of 1994.

Per pupil spending: The average amount spent per student, which was based on current expenditures divided by 1994/1995 enrollment in public elementary and secondary schools.

Per pupil spending rank: The ranking within the 50 states and the District of Columbia.

Pupil/Teacher ratio: The total enrollment divided by total number of teachers in public elementary and secondary schools during the 1994/1995 school year.

Pupil/Teacher rank: The ranking within the 50 states and the District of Columbia.

Graduation rate: A percentage based on the number of public high school graduates in 1995 divided by the enrollment for that school year.

Graduation rank: a ranking within the 50 states and the District of Columbia.

ACT/SAT rank: A ranking of average scores on the college entrance exams. States are ranked according to the predominant test administered (the SAT or the ACT).

NAEP score: The average score of students on the 1994 fourth grade National Assessment of Education Progress (NAEP) reading test. The NAEP is a congressionally mandated program of the National Center for Education Statistics (NCES) within the U.S. Department of Education. The test has served as a barometer of student performance in mathematics, reading, writing, and other academic subjects for over 25 years. Unfortunately, not all states participate in these assessments. The 1994 fourth grade reading scores are used in this report's rankings.

Background: A snapshot of the status of education reform in the state as of January 1, 1996.

Progress in 1996: Specific activity on the charter school, school choice, and voucher front in each state.

Legislative Developments in 1996: A snapshot of developments on school choice and charter schools, including legislative efforts, private vouchers, judicial activity, and new schools.

Position of the Governor: The governor's position on market-based choice in education.

State Contacts: Groups and individuals at the state and local levels with expertise in market-based education reform.

A SCHOOL CHOICE GLOSSARY OF TERMS

Charter school: A "public" school created and operated by a group of teachers or other qualified individuals that is largely free from state and district oversight. Charter schools differ from magnet schools in the method of creation and level of autonomy.

Controlled choice: Choice of school that has been limited by court-ordered desegregation guidelines. In Missouri, for example, Kansas City and St. Louis must observe strict racial guidelines for the placement of students in city schools. Parents are limited to choices that will not upset the racial balance of a particular school.

Full choice: Choice that includes public schools as well as private and religious schools.

Inter-district choice: Choice that allows students to cross district lines. Some states, such as Colorado, allow inter-district choice among only a limited number of districts.

Intra-district choice: Open enrollment among schools within a particular district. Also referred to as transfers.

Magnet schools: Public schools that offer specialized programs. Sometimes used as a voluntary method to achieve racial balance when districts are under court order to desegregate. Magnet schools offer students an option or a substitute for their own location-based school assignments.

Mandatory statewide choice: See open enrollment.

Open enrollment: Parents decide which public school their children will attend anywhere in the state, rather than having children assigned to a school based on home location. With voluntary open enrollment, the district is not required to offer a choice, but may allow parents to choose the schools their children attend. With mandatory open enrollment, the district must allow parents this option.

Post-secondary enrollment options: High school students (usually juniors or seniors) are permitted to enroll in courses at state universities or community colleges at government expense and receive high school and college credits for those courses. The money allocated for the student's education pays for the courses selected, forcing high schools to compete with colleges for students.

Private voucher programs: Programs supported by individuals, businesses, and other groups that give vouchers directly to low-income children to enable them to attend private schools. Programs differ by the types of support they give to families and by the types of schools that are eligible.

Public school choice: Choice only among public schools.

Site-based management: The responsibility for decisions affecting the personnel and educational policies of a school is shifted from a central administration or school board to "committees" of teachers and the principal (and perhaps parents) of that school.

Tax credits: Funding method for choice through which parents receive credit against income or property taxes for money they spend on private school tuition, books, or other expenses. Tax credits have been ruled constitutional by the United States Supreme Court.

Voluntary choice: See open enrollment.

Vouchers: Certificates with a designated dollar value that may be applied toward tuition or fees at the public or private educational institution of the parents' choice. Used in much the same way food stamps are used to buy food, or housing vouchers are used to offset rent.

Alabama

State Profile:

- Total number of students in public elementary and secondary schools: 733,458[1]
- Per pupil spending: $4,137
- Per pupil spending rank: 46 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.6/1
- Pupil/Teacher rank: 36 out of 51
- Graduation rate: 61.6 percent
- Graduation rank: 45 out of 51
- ACT rank: 24 out of 27
- NAEP score: 29 out of 39

Background:

A law passed in 1991 but not yet implemented would allow students to choose a public school within their school district under certain conditions. Participation by a school district is voluntary. Individual schools within participating districts would have to accept transfers from another school unless there were extenuating circumstances, such as space limitations or court-ordered racial balance requirements. The state legislature has not yet voted to fund this legislation.

State Representative Al Knight (R) introduced a pilot voucher bill in 1991 and again in 1992 to permit districts to pursue school choice. The legislation did not pass and has not been reintroduced.

Progress in 1996:

No charter school or voucher activity was reported.

1. American Legislative Exchange Council, *Report Card on American Education* 1995.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Fob James, Jr., a Republican, has indicated that he is receptive to public school choice. He has no stated position on private school choice or charter schools.

State Contacts:

Alabama Eagle Forum
Eunice Smith, President
4200 Stone River Circle
Birmingham, AL 35213
Phone: (205) 879-7096
Fax: (205) 871-2859

Alabama Family Alliance
Gary Palmer, President
P.O. Box 59692
Birmingham, AL 35259
Phone: (205) 870-9900
Fax: (205) 870-4407
E-mail: *alfamallia@aol.com*

Alaska

State Profile:

- Total number of students in public elementary and secondary schools: 122,494
- Per pupil spending: $9,323
- Per pupil spending rank: 1 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 16.8/1
- Pupil/Teacher rank: 29 out of 51
- Graduation rate: 70.4 percent
- Graduation rank: 32 out of 51
- ACT rank: 4 out of 24
- NAEP score: N/A

Background:

Several State Board of Education officials have strongly backed educational choice in the past. Their efforts compelled Governor Wally Hickel to appoint a special commission in 1991 to examine the school choice issue. The commission's report, released in 1992, fell short of advocating full choice, but its authors favored experimenting with charter schools, magnet schools, and other types of choice within the public school system.

In June 1995, a State Board of Education regulation took effect that allows school districts to accept part-time enrollment in public schools of private school, home school, and correspondence school students. State funding follows the students.

During the 1995 legislative session, Governor Tony Knowles signed into law a restrictive charter school bill, CSSB 88 (FIN), which took effect on July 1, 1995. The bill established a pilot program for charter schools, capped the number of charter schools at any given time at 30, and mandated geographic balance for the schools. The law imposed further restrictions such as an application that must be approved by the local school board and State Board of Education and a five-year limit on each school charter. The law does exempt charter schools from the local school district's textbook, program, curriculum, and scheduling requirements.

Vouchers to allow children to attend private schools are still not possible in Alaska. The state constitution prohibits the expenditure of public funds for the direct benefit of private schools.

Progress in 1996:

Alaska opened its first three charter schools in the fall of 1996. Two of the charter schools were new, and the third was converted from an existing traditional public school. One of the schools designed a program to help students at risk of dropping out of school.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Tony Knowles, a Democrat, supports charter schools. He has not stated a position on school choice or vouchers since these programs are not permitted under Alaska's state constitution.

State Contacts:

Alaska Department of Education
Shirley J. Holloway, Commissioner
Web site: *http:/www.educ.state.ak.us*

Arizona

State Profile:

- Total number of students in public elementary and secondary schools: 791,689
- Per pupil spending: $3,750
- Per pupil spending rank: 48 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 21.1/1
- Pupil/Teacher rank: 49 out of 51
- Graduation rate: 63.6 percent
- Graduation rank: 42 out of 51
- ACT rank: 18 out of 27
- NAEP score: 31 out of 39

Background:

Today, Arizona has one of the strongest charter school laws in America. According to the Center for Education Reform, "A 1996 study by the Goldwater Institute lay to rest some of the myths surrounding the state's charter program. Goldwater's study showed that contrary to the claim that charters would merely provide publicly funded elite schools for students already in private

schools, more than 69 percent of charter-school students attended public school the previous year, 16 percent had been in private schools, 9 percent had either not begun school, dropped out, or been expelled, and 6 percent had been home schooled."[2]

In 1994, Arizona passed the Arizona School Improvement Act. This law allowed the creation of charter schools as alternatives to traditional public schools and established a new State Board for Charter Schools which could also grant charters; the charter school board was appropriated $1 million to assist with charter school start-up costs. Any public body, private citizen, or organization can apply for a charter and organize a charter school. Applications for the five-year charters can be submitted to the charter school board or the state school board, which are limited to granting a maximum of 25 charters per year, or to the local school boards, which have no limit.

The Arizona School Improvement Act provides each charter school with almost complete autonomy. The charter schools are legally independent; therefore, they are exempt from state laws and regulations in such areas as teacher certification, compliance reviews, and mandated classes. To be approved, a charter school must comply with civil rights legislation as well as insurance and special education laws. No charter school can deny admission to students based on academic ability or physical handicap.

Funding for each charter school is simple and fair. Arizona charter schools are eligible to receive grants of up to $100,000 for each of two years. In state-sponsored charter schools, state and federal funds flow from the state to the school. If a district sponsors the charter school, federal, state, and local funds flow through the district to the school. The amount of funding available to the school must be at least equal to the minimum per-pupil expenditure within the district.

Arizona does not have a school choice program in place, although some public school districts reportedly accommodate student requests for transfers to different schools. Arizona law permits special education students and students designated as "unable to profit from public schools" to use state funding to attend private schools. During the 1996/1997 school year, 4,000 children used the allocated student funds to attend private education programs. This was twice the number of students served by the program during the 1995/1996 school year.

CEO (Children's Educational Opportunity Foundation) America has initiated a private voucher program in Phoenix known as the Arizona School Choice Trust. Currently, 104 children receive scholarships to attend private schools, with an additional 100 children on a waiting list.

Progress in 1996:

Arizona has more charter schools in operation than any other state in the nation. In 1996, 95 charter schools were opened, bringing the total number of operating charter schools in the state to 164. During the 1996/1997 school year, these schools served over 17,000 students. More than a third of the charter schools in Arizona have designed programs to serve at-risk students.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: During the 1995 session, the state legislature considered House Bill 2177, which would have established a two-year statewide voucher pilot program for fiscal years 1996/1997 and 1997/1998. This legislation would have provided a $3,500 voucher to any student in kindergarten through 12th grade who applied to the program, and the student then could have used the voucher at any accredited public or private school. The bill passed the Education Committee on February 15, 1996, and the House Appropriations Committee on February 24, 1996, but died in the House Rules Committee.

2. Center for Education Reform, *School Reform in the United States: State by State Summary*, Spring 1997, p. 8.

During the 1996 legislative session, Senate Bill 1216 was considered to provide residents of Arizona with an income tax credit of up to $500 a year for contributions made to private scholarship funds. This tax credit was rejected by the State Senate by a vote of 16 to 14 in late February. In April, it was reintroduced as a rider to another bill which was approved on a 4 to 2 party-line vote by Republican majority members of a joint House-Senate conference committee. On April 20, 1996, the legislative session ended with no further action on the bill.

Developments in 1997:

On April 7, 1997, Governor Fife Symington signed into law legislation allowing the state's residents to claim an income tax credit of up to $500 for donations to charitable organizations that provide scholarships to help children attend private schools. This law is the first of its kind in the country.

Position of the Governor:

Governor Symington, a Republican, is a strong advocate of vouchers, charter schools, and returning control of education to local communities and families. Since he took office, he has requested, and has pushed consistently, for voucher legislation that would allow parents to send their children to the public or private schools of their choice.

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Arkansas

State Profile:

- Total number of students in public elementary and secondary schools: 432,317
- Per pupil spending: $3,303
- Per pupil spending rank: 51 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 15/1
- Pupil/Teacher rank: 11 out of 51
- Graduation rate: 76.5 percent
- Graduation rank: 19 out of 51
- ACT rank: 21 out of 27
- NAEP score: 28 out of 39

Background:

The legislature enacted a voluntary inter-district open enrollment law in 1989 permitting parents to enroll their children in public schools outside their own school districts. The law took effect in the 1990/1991 school year and includes an outreach program to help parents decide where to send their children. Since the program is voluntary on the district level, districts can opt out if, for instance, space is not available in their schools. Because state education funding follows the students to the new district, districts generally accommodate transfer students.

Of the 305 Arkansas school districts, 176 participated in the program during the 1995/1996 school year. A total of 1,912 students took advantage of this opportunity. Although transportation technically is the responsibility of the transferring student, state aid covers a student's transfer costs.

CEO (Children's Educational Opportunity Foundation) of Central Arkansas, founded in 1992 by Little Rock businessman Blant Hurt, awards half-tuition scholarships of up to $1,000 to low-income students to attend the district school of their choice. Modeled after the private voucher program sponsored by Patrick Rooney of the Golden Rule Insurance Company in Indianapolis, the Little Rock program provided scholarship aid to 394 students for the 1996/1997 school year.

On April 10, 1995, then-Governor Jim Guy Tucker signed Act 1126 (House Bill 1934) into law, establishing a weak form of charter schools for the state. The act allows any local school to become a charter school, provided:

- It is approved by the local Board of Education;
- The charter proposal does not infringe upon or remove any existing collective bargaining requirements;
- The school has the support of two-thirds of the employees of the petitioning public school;
- The school has the support of two-thirds of the parents of the students of the petitioning school;
- The school establishes a plan to meet pre-established state and national education goals;
- The school accepts the established rules and regulations imposed on the charter school by the State Board of Education; and
- The school allows the charter to be ruled invalid if at least two-thirds of the employees of the school change their minds.

Due to the strict bureaucratic requirements and heavy mandates placed upon charter schools by this act, there is little hope of serious improvement in the school choices available to parents in Arkansas. The regulatory hoops are likely to discourage teachers and parents, including those who are committed to reform.

Progress in 1996:

There are no charter schools in operation in Arkansas.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice or voucher legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Mike Huckabee, a Republican, supports strengthening the state's charter school legislation. He has not initiated any school choice efforts and is skeptical of the success of a statewide voucher system in his predominantly rural state.

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California

State Profile:

- Total number of students in public elementary and secondary schools: 5,340,000
- Per pupil spending: $5,297
- Per pupil spending rank: 27 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 24.1/1
- Pupil/Teacher rank: 51 out of 51
- Graduation rate: 65.7 percent
- Graduation rank: 37 out of 51
- SAT rank: 9 out of 24
- NAEP score: 38 out of 39

Background:

Although Arizona has a greater number of charter schools, California has the largest charter school enrollment with almost 45,000 students. There is enormous variety among California's charter schools. Programs include home-based education, independent learning, programs for the gifted, schools for students expelled from traditional public schools, international studies, multilingual schools, programs for youth released from detention centers, a museum school, and others.

Governor Pete Wilson signed the California Charter School Act, sponsored by Senator Gary Hart (D) and Assemblywoman Delaine Eastin (D), in September 1992. The legislation allows the establishment of up to 100 charter schools within the state, with no more than 10 charter schools allowed per school district. Each charter is granted for five years, and subsequent renewals are awarded at five-year intervals.

Charter schools are public schools created and run by teachers and staff. They are largely free from state and district oversight. The application process for a charter requires the support of 10 percent of the teachers in the school district or 50 percent of the teachers within the individual school. The law does not require that charter schools hire licensed teachers. Funding for each attending student in the charter school is 100 percent of the average per-pupil spending in the particular school district. Private schools are not allowed to apply for charter status.

Charter school legislation has succeeded in California primarily because the education establishment has followed the "lesser of two evils" theory. Because of active discussions on the issues of vouchers and choice, the California teachers union and its allies have had to focus their well-funded attacks on preventing these proposals from becoming law. This has allowed charter school legislation to move to the forefront of the education reform debate with limited opposition from liberals and the teachers unions.

The California legislature passed a law in 1987 allowing children in kindergarten through 12th grade to transfer to the public school closest to their parents' work or child-care facility. Participation in California's inter-district choice program is optional for the school districts. Intra-district choice, however, is mandatory; students are responsible for their own transportation.

School choice became a major political issue in California in 1993. Proposition 174, a sweeping initiative, would have amended the California constitution to provide $2,600 vouchers to families to enroll their school-age children in public, private, or religiously affiliated schools. It failed to pass, attracting only 30 percent of the votes cast. The California Teachers Association, the measure's most formidable opponent, contributed at least $10 million of the approximately $16 million spent on the campaign against the school choice initiative. Supporters of the measure were able to raise only $2.7 million.

In the area of private scholarships, the Archdiocese of Los Angeles Education Foundation has awarded scholarships to children of low-income families to attend Catholic schools since 1988. CEO (Children's Educational Opportunity Foundation) of Southern California provides scholarships to 799 children for the 1996/1997 school year; 5,000 children are currently on its waiting list. Oakland's branch of CEO America provided 250 scholarships for the 1996/1997 school year and has 2,142 children on its waiting list.

Progress in 1996:

An additional 32 charter schools opened in California in 1996, bringing the total to 118. Although the legislature defeated a bill that would have increased the 100-school cap on charter schools, the State Department of Education decided to waive the limit on a school-by-school basis. The number of charter schools in California has now exceeded the original cap of 100 schools set in 1992.

According to the Center for Education Reform, "Charter operations are also being validated within the legal system. In April 1996, Horizon Instructional Systems won a long battle against the California Education Department which had tried to require that the school provide nothing that other districts do not offer.... In two separate cases in August 1996, superior court judges upheld charter schools' exemption from the state's collective bargaining laws, further strengthening legal precedence in favor of charter flexibility and autonomy in the state."

Legislative Developments in 1996:

Charter Schools: In 1996, eight charter school bills were introduced in California. Assemblywoman Jan Goldsmith (R–San Diego) sponsored Assembly Bill 66, which would have established an alternative process through which entire school districts could be chartered. A.B. 66 was amended and reintroduced on January 12, 1996, after being defeated during the 1995 legislative session. Although it passed both the Assembly and the Senate, Governor Wilson vetoed the bill in the fall of 1996 because it gave the teachers unions power to approve or veto charter petitions. A.B. 66 was the only "charter" school bill endorsed by the powerful California Teachers Association.

Assemblyman Louis Caldera (D–Los Angeles) introduced two charter school bills which also were considered in 1996. A.B. 198, introduced in 1995 and continued in 1996, sought to raise the cap on charter schools from 100 to 300. The bill was passed by the Republican majority in the Assembly but was killed by the Democrat majority on the Senate Education Committee. Caldera's second bill, A.B. 2463, was introduced in 1996 and authorized charter school petitioners to seek charter school status from a variety of public education authorities, including California State Universities and the California State Board of Education. A.B. 2463 was passed by the Assembly, but then died in the Senate Education Committee on July 1996.

Assemblyman Steve Baldwin (R–San Diego) introduced A.B. 2106 to lift the 100-charter cap and prohibit charter issues from being addressed in collective bargaining agreements. This bill was killed in July 1996.

Assemblywoman Kerry Mazzoni (D–Marin) attempted to clarify charter school staff liability with A.B. 2135. Although his bill was passed by both the Assembly and the Senate, it was vetoed by Governor Wilson because of major technical flaws discovered after passage. A.B. 2136, also introduced by Mazzoni, authorizes and funds an evaluation of charter school progress which would be conducted by a legislative analyst. Passed by both house of the legislature and signed into law by Governor Wilson, this bill effectively moves evaluation of charter schools forward by one year.

A.B. 3384, introduced by Assemblyman Wally Know (D–Los Angeles), allows charter schools to participate in the revolving loans that are used by new school districts. It clarifies that charter schools are subject to the same statewide assessment tests given to public schools, and requires charter petitions to address dispute resolution matters. The bill was sponsored by the Little Hoover Commission, a state watchdog agency which issued a favorable study on charter schools. A.B. 3384 was passed by the Assembly and the Senate, and was signed into law by Governor Wilson.

Assemblyman Kevin Murray (D–Compton) introduced A.B. 2737 to prohibit parent/school contracts, a common and worthwhile practice among charter schools. This bill relied on a misleading study published by WestEd, a public agency serving the four-state region of Arizona, California, Nevada, and Utah which was created when Far West Laboratory for Educational Research and Development (FWL) and Southwest Regional Laboratory (SWRL) merged. The WestEd study claimed that these contracts denied access to minorities, who presumably cannot make choices for their children or get involved in the schools as more "well to do" parents can. The bill died in the Assembly Education Committee.

With the state legislature led by a liberal majority, California education reformers can expect more legislation like the restrictive bill introduced by Assemblyman Murray. Defenders of the status quo will continue to place obstacles in the way of charter schools by requiring increased state regulation.

School Choice: Republicans in the California Assembly, led by Speaker Curt Pringle, introduced a package of education measures in 1996 that included a voucher bill. A.B. 3180, which was supported strongly by Governor Pete Wilson, would have made "opportunity scholarships" available to students at schools that rank academically in the lowest 5 percent of the state, with scholarship amounts equal to 90 percent of the state's per-pupil cost (about $4,500) or to the tuition cost at the private school of the parents' choice, whichever is less. After being approved in the Assembly on May 31 by a vote of 41 to 35, the bill was killed in committee by the Democrat-controlled Senate in June. Senate Democrats proposed instead a bill which would give $91 million in direct aid to California's troubled public schools. That bill was passed by the Senate. The two houses were unable to reach consensus on either bill.

In addition to proposing legislation, reformers attempted to get a voucher initiative on the November 1996 ballot. This effort was unsuccessful because supporters failed to collect the required number of signatures.

Position of the Governor:

Governor Pete Wilson, a Republican, signed the 1992 California Charter School Act and has stated that he favors public school choice. In 1993, however, he opposed Proposition 174, which would have provided for public, private, or religious school choice in California, because of a potential $2 billion cost to the state. In his 1996 State of the State address, Governor Wilson proposed a limited pilot voucher system called "opportunity scholarships."

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Colorado

State Profile:

- Total number of students in public elementary and secondary schools: 640,521
- Per pupil spending: $5,101
- Per pupil spending rank: 31 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 18.5/1
- Pupil/Teacher rank: 43 out of 51
- Graduation rate: 74.6 percent
- Graduation rank: 23 out of 51
- ACT rank: 5 out of 27
- NAEP score: 19 out of 39

Background:

Open enrollment laws in Colorado allow parents to choose a public school for their children either within or outside of the district in which they live. Open enrollment was enacted in 1990 as a six-year pilot program, and took effect in June 1991. It is being phased in at a rate of three school districts per year. District officials must apply to the Colorado Department of Education to participate in the program. There are limitations: There must be space in the school in which parents wish to enroll a child; the school must offer appropriate services for the child if needed (as in the case of special needs, either cognitive or physical); the child must meet any eligibility requirements; and admission must not create a need to modify the curriculum.

At the conclusion of the six-year program in 1997, the legislature will make a final decision on whether to institute public school choice statewide and allow all students to attend any public school in the state.

In November 1992, a full school choice ballot initiative known as Choice School Reform failed by a margin of 62 percent to 37 percent. The initiative would have provided parents with a voucher worth 50 percent of the existing per-pupil expenditure to send their children to the public, private, or parochial school of choice.

In June 1993, the Colorado legislature passed the Charter School Bill (Senate Bill 93-183), sponsored by Senator Bill Owens (R–Arapahoe) and Representative Peggy Kerns (D–Arapahoe). The bill empowers any group of concerned parents, teachers, or members of the community to submit a charter school application. The legislation defines a charter school as a "public" school with provisions that allow the school to be slightly independent from state and local regulations while remaining within the school district (Section 22–30.5–104). Enrollment in charter schools is open.

Under the 1993 law, Colorado has authorized the granting of up to 50 charters before July 1, 1997. The law requires that the charters must be distributed equally throughout the state. It also requires that 13 or more of these schools be designed to increase educational opportunities for at-risk students (those likely to drop out of school).

The funding for each charter is determined through a negotiation between the district and the charter school (Section 22–30.5–112). Under the law, the charter school is entitled to at least 80 percent of the district's per-pupil operating revenue. According to finance guidelines, state and federal funds flow from the state to the county, then to the district, and finally to the charter school. Additionally, local funds flow from the district to the charter school.

Charter schools are not completely free from state and local regulations. Each charter, through its application process, must seek waivers from specific school district policies. Each charter school can petition the State Board of Education for waivers from state law and regulations regarding specific education standards.

Like Florida, Iowa, Minnesota, and Ohio, Colorado offers post-secondary enrollment options to high school juniors and seniors who wish to take college courses at state expense while in high school.

Progress in 1996:

Eight new charter schools opened their doors in Colorado in 1996, bringing the total to 32 schools.

Although Colorado has yet to implement a publicly funded school choice program, Denver's Educational Options for Children program is providing $56,670 in tuition scholarships for 78 low-income students at area schools during the 1996/1997 school year. This program is funded entirely by the Coors Foundation.

Legislative Developments in 1996:

Charter Schools: No charter school initiatives were introduced during the 1996 session.

School Choice: No school choice or voucher initiatives were introduced during the 1996 legislative session.

Position of the Governor:

Governor Roy Romer, a Democrat, adamantly opposes allowing parents to choose private schools under a voucher or tuition tax credit system. Romer, however, supports the concept of public school choice and signed the Charter School Bill into law during the 1993 legislative session.

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Connecticut

State Profile:

- Total number of students in public elementary and secondary schools: 503,216
- Per pupil spending: $7,545
- Per pupil spending rank: 5 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 14.6/1
- Pupil/Teacher rank: 7 out of 51
- Graduation rate: 76.0 percent
- Graduation rank: 20 out of 51
- SAT rank: 6 out of 24
- NAEP score: 7 out of 39

Background:

School districts in Connecticut offer transportation to private school students and are reimbursed by the state. This currently is the only manner in which public funds are used to support private education in the state of Connecticut.

On October 24, 1995, Governor John Rowland issued Executive Order No. 8 to authorize the appointment of the Governor's Commission on School Choice. The order was issued in response to results of the Connecticut Mastery Tests: In most urban school districts, less than 10 percent of the students achieved the state's goals for their grade levels. Combined with the skyrocketing school dropout rate, this poor achievement further emphasized the need for serious educational reform.

The commission, co-chaired by Representatives Reginald Beamon (D) and Paul Knierim (R), consisted of 16 members from various backgrounds: public and private school teachers and administrators, public officials, business professionals, and a student from the Connecticut private school system. The commission recommended four major initiatives:

Early Childhood Educational Choice Program. The commission recommended a statewide pilot program in school choice to give financial assistance to all families for a broad range of accredited public and private early childhood education programs. This assistance could be achieved through a tax credit against the state income tax for a portion of the tuition and fees paid to accredited early childhood education programs. Families with no tax liability therefore would be eligible for a periodic credit to be applied to tuition and fees.

Project Concern. The commission recommended that Project Concern, a public-school-only choice program operating in Greater Hartford, expand its choice options as soon as possible. For example, options should include accredited private schools and public schools for students in participating suburban districts. Parents of Project Concern students who choose a private school would receive either an income tax credit or a scholarship in an amount not to exceed 50 percent of the district's spending per pupil; the district would be entitled to retain the remaining 50 percent. Existing state funding for transportation of Project Concern students to those schools would be increased.

The commission also recommended the implementation of a program that would work in conjunction with the voluntary transfer of urban students to suburban public schools. Financial incentives would be offered to urban public schools to attract out-of-district students. Specifically, any urban school that accepted out-of-district students would receive a grant per student equal to 100 percent of the receiving district's revenue per pupil. The commission urged the General Assembly to explore all financial incentives to encourage other school districts to participate in Project Concern.

Charter Schools. The commission strongly recommended charter schools in Connecticut. It recommended that charter schools should have full autonomy from local boards of education. Charter schools should be funded publicly on an equal basis with other public schools, and should re-

ceive 100 percent of the school district's average spending per pupil. The commission also recommended that charter schools should not charge tuition, but instead subsidize start-up costs by raising private funds. Although the commission failed to recommend that religious charter schools should be allowed under the law, it did recommend that all new charter schools should be free to structure their own curricula and areas of study, and be exempted from teacher tenure and certification laws.

School Choice Implementation Study. The commission called upon the governor and the General Assembly to study the implementation of school choice programs within the state. The commission would serve as a watchdog for the success or failure of any school choice reform initiatives that are enacted.

On June 5, 1995, Governor Rowland and Republican legislators withdrew Senate Bill 209 (An Act Concerning School Choice) from legislative consideration because they were concerned that they might not be able to gather enough support in the Senate. This bill, which would have allowed local communities to establish their own school choice programs, also included provisions for private school choice for low-income families. The bill would have provided vouchers worth 50 percent of a school district's per-pupil expenditure to students who qualified for the federal school lunch program. These vouchers, worth roughly $4,500, then could have been used at private or parochial schools of a family's own choosing. S.B. 209 was similar to a 1994 school choice bill that failed on a tie vote. Even though support for the legislation was strong in the House, it was only marginal in the Senate.

S.B. 309, the major charter school legislation of 1995, would have allowed only public charter schools to be opened: It specifically prohibited non-public elementary or secondary schools from being established as charter schools. Only two charter schools could be approved in each district, and only 20 in the entire state. A charter would have been granted for a period of five years, and the school would have had to provide a yearly status report to the local board of education. Charter schools would have received 80 percent of the per-pupil cost of education in the district for each student, and local communities would have been responsible for any transportation services for the school. The bill's strongest provision was its lack of mandates or requirements for certification in hiring charter school teachers. S.B. 309 was never brought up for a vote and died in the Senate.

CEO Connecticut, based in Bridgeport, is a private voucher program that currently is providing 124 children with the opportunity to attend private schools. There are 78 children on the waiting list.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: Governor John Rowland signed Senate Bill 59 (Public Act 96-214), authorizing the creation of 24 charter schools, on June 4, 1996. The law went into effect on October 4, 1996.

School Choice: Opportunities to implement school choice recommendations made by Governor Rowland's School Choice Commission came in 1996 through House Bills 5087, 5698, and 5071. Based on the Commission's recommendations, H.B. 5071 would have established Project Concern as a model to implement choice programs in other parts of the state. All families would be eligible to receive vouchers, with priority given to low-income families, and the value of the scholarship would vary according to the district. Even though supporters gathered 76 votes in the House, the bill fell short of the 88 needed to pass. H.B. 5698 included a voucher component, and H.B. 5087 dealt with additional matters. None of these bills made it out of committee.

Position of the Governor:

Governor John Rowland, a Republican, strongly supports both public and private school choice. He has stated that he supports the Commission on

School Choice's final recommendations on education reform. Governor Rowland has vowed to fight for serious education reform in Connecticut.

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Delaware

State Profile:

- Total number of students in public elementary and secondary schools: 106,813
- Per pupil spending: $6,591
- Per pupil spending rank: 9 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 16.6/1
- Pupil/Teacher rank: 27 out of 51
- Graduation rate: 64.5 percent
- Graduation rank: 41 out of 51
- SAT rank: 11 out of 24
- NAEP score: 31 out of 39

Background:

House Bill 144, a public school choice law, passed during the 1995 legislative session, and public school choice was first implemented in Delaware in September 1996. The law allows parents to enroll their children in any public school in the state, both between and within districts, if the school's capacity is adequate. It places the burden of transportation costs for out-of-district school choice on families, but also provides a funding mechanism for transportation costs associated with inter-district choice. The bill does not allow parents to use these funds for private or religious schools.

Governor Thomas Carper signed Senate Bill 200, the Charter School Act of 1995, into law on July 10, 1995. The Charter School Act establishes public charter schools but specifically prohibits religious, home-based, or sectarian charter schools. A maximum of 15 charter schools can be established through 1999. Each charter is awarded for three years and is renewable every five years, but the charter is subject to review and termination by the approving authority at any point. The legislation contains a complex set of rules and regulations on teacher hiring and certification, funding procedures, and transportation financing. It also allows charter schools some freedom from state and local regulations.

While the Charter School Act of 1995 sets the stage for education reform with limits on the number and types of schools that can be chartered, it still falls short of qualifying as a serious education initiative.

Progress in 1996:

Delaware's first two charter schools opened in September 1996. One of the schools is targeted specifically at the education at-risk students.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice initiatives were introduced during the 1996 legislative session.

Position of the Governor:

Governor Thomas G. Carper, a Democrat, supports both public school choice and charter schools. During the 1995 legislative session, he signed into law H.B. 144, establishing statewide public school choice, and S.B. 200, the Charter School Act of 1995. Governor Carper, however, opposes any form of voucher plan which involves private or religiously affiliated schools.

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District of Columbia

District Profile:

- Total number of students in public elementary and secondary schools: 80,420
- Per pupil spending: $8,841
- Per pupil spending rank: 3 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 13.3/1
- Pupil/Teacher rank: 2 out of 51
- Graduation rate: 63.1 percent
- Graduation rank: 44 out of 51
- SAT rank: 22 out of 24
- NAEP score: N/A

Background:

The District of Columbia stands as the truest byproduct of liberal social policy. Early in 1997, *The Washington Post* reported that "classroom deficiencies leave deep marks on [the] city's children."[3] Specifically, "From 1991 to 1996, reading scores for the standardized Comprehensive Test of Basic Skills declined by 13.5 percent in grade six and remained below national norms in grades eight and 11."[4] After repeated failures by the school system to teach its students basic reading skills, the city hired Sylvan Learning Systems, a private company, to teach 1,500 students at a cost of $2 million a year. For example, "At Patricia Roberts Harris [elementary school], 150 of the school's 1,000 students attend [Sylvan classes] with hundreds more eligible based on overall academic performance." The Sylvan program "groups three or four children with one teacher for several hours a week and has frequent tests for comprehension, story analysis, vocabulary and other skills. When students make errors, they are immediately challenged to fix them."[5]

This is in sharp contrast to the methods used by the D.C. public schools to improve test scores: "emphasizing self-esteem, in which teachers do not correct grammatical and other mistakes to encourage writing; thematic learning, in which instruction is related to students' everyday lives; and whole-language learning, which diminishes phonics and concentrates on literature." Another method that has been used is to "give students an advanced look at the test before the official testing day."

Part of the problem has been an inability by school principals to improve the quality of their

3. Valerie Stauss and Sari Horwitz, "Students Caught in a Cycle of Classroom Failures," *The Washington Post*, February 20, 1997, pp. A1, A16, A17.

4. *Ibid.*

5. *Ibid.*

teaching staff. "The last scores made public, in 1992, show that seven of 4,516 teachers were marked unsatisfactory. The rest were rated satisfactory, very good or outstanding. Several principals said nothing has changed since then. A key reason, they said, is the time-consuming process required under the teachers' union contract before a principal can deliver an unsatisfactory rating." In addition, a "D.C. financial control board survey found that 12 percent of classrooms did not have textbooks when school began this year and that 20 percent did not have adequate instructional supplies." With $7,389 allotted for each student (which is among the nation's highest spending rates), it is an outrage that D.C. students are not taught basic skills, lack the basic teaching materials, and are forced to attend schools that "are among the worst of any U.S. city."

Although the District of Columbia has a few magnet schools in operation, it does not provide system-wide school choice for parents. In each of the last few years, the education establishment of the nation's capital was in the spotlight, due largely to the efforts of U.S. House of Representatives Speaker Newt Gingrich (R–GA), the Task Force on D.C. Schools, and U.S. Representative Steve Gunderson (R–WI). At the request of Speaker Gingrich, Representative Gunderson developed an education plan in 1995 that would have imposed serious reforms on the District of Columbia public school system.

Working with community leaders and the mayor, Representative Gunderson developed a House amendment to the FY 1996 D.C. appropriations bill that would have helped fund charter schools and scholarships by providing $3,000 vouchers to students whose family income fell below the poverty level and $1,500 vouchers to students with family incomes up to 80 percent above the poverty level. The vouchers would have been redeemable at a public, private, or religious school located in the District of Columbia or the surrounding counties of Northern Virginia and Maryland. The Gunderson amendment did not survive a filibuster on the D.C. appropriations bill.

The National Scholarship Center, a private voucher program funded by area businesses that serves also as a national clearinghouse for information on private voucher programs, awards scholarships to low-income D.C. students who want to attend private schools. This program is called the Washington Scholarship Fund. To participate, a child's family must be eligible for the federal student lunch program and must agree to match the scholarship award by paying half of the child's private school tuition. For the 1996/1997 school year, 200 students received scholarships through the program. Another 600 are on the waiting list.

Progress in 1996:

The District of Columbia opened its first two charter schools in the fall of 1996. Options Public Charter School serves at-risk students, with a 100 percent minority enrollment.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School Choice: Due to strangleholds by anti-reform-minded Senators, their allies, and the national teachers unions, as well as a promised veto by President Clinton, the Gunderson bill failed to gain cloture and break the Senate filibuster on the D.C. appropriations bill on February 27, 1996. It won a party-line vote, 54–44, but was unable gain a large enough majority to override the filibuster under the Senate's anti-majority rules.

Position of the Mayor:

Mayor Marion Barry, a Democrat, is not an earnest supporter of private school choice. However, he has urged members of the U.S. Senate to pass the Conference Committee's report on D.C. appropriations.

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Florida

State Profile:

- Total number of students in public elementary and secondary schools: 2,108,978
- Per pupil spending: $5,185
- Per pupil spending rank: 30 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 18.1/1
- Pupil/Teacher rank: 42 out of 51
- Graduation rate: 59.4 percent
- Graduation rank: 49 out of 51
- SAT rank: 16 out of 24
- NAEP score: 32 out of 39

Background:

While Florida has little in the way of parental choice, several innovative school programs are made possible by support from the private sector. Miami school officials contracted with a private firm, Education Alternatives, Inc., to set up and run the new South Pointe Elementary School. EAI was granted waivers from major state regulations, including those governing hiring and budgetary matters. The contract ran from June 30, 1990, to June 30, 1995. Although the county decided that EAI had completed what it was contracted to do, it did not renew its contract with the company. The Edison Project, a New York-based education group, signed a contract to operate two Miami schools from July 10, 1996, through July 10, 2002, with a total enrollment of 2,000 students.

House Bill 403, legislation authorizing new charter schools, was signed into law on May 17, 1995. It authorizes both the formation of new charter schools and giving charter status to existing public schools. Charter schools may be run by nonprofit private groups under contracts or charters with the school boards. Most of the charter schools have programs designed specifically for students with special needs, such as children with attention deficit disorder, students transferred or expelled from traditional schools, and at-risk students with bad grades or behavioral problems such as truancy. One school focuses on discipline and citizenship, and another provides individual learning plans for students.

During the 1995 legislative session, two charter school bills were introduced: H.B. 1191 and S.B. 2396. Both bills included specific language targeting students with special needs. Neither was enacted. The House Education Committee introduced H.B. 2605, which would have required that local school boards develop a plan that would offer limited open enrollment to students and allow parents to identify at least two preferred school choices. Under these plans, schools had to have an appropriate mix of minority and majority students, a mechanism for strong parental involvement, and a preferential lottery procedure for the

assignment of students by October 1, 1995. The bill passed the House but died in the Senate.

CEO of Central Florida administers a private voucher program which provided 225 scholarships in 1996 to low-income children to attend successful private schools. There are 1,650 children on the waiting list.

Progress in 1996:

In the fall of 1996, six charter schools opened in Florida with a total enrollment of 500 students.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School Choice: No school choice legislation was enacted during the 1996 legislative session.

Position of the Governor:

Governor Lawton Chiles, a Democrat, has stated that he would consider public school choice. He does not support private school choice.

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Georgia

State Profile:

- Total number of students in public elementary and secondary schools: 1,270,948
- Per pupil spending: $4,595
- Per pupil spending rank: 38 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 16.4/1
- Pupil/Teacher rank: 23 out of 51
- Graduation rate: 57.8 percent
- Graduation rank: 50 out of 51
- SAT rank: 23 out of 24
- NAEP score: 30 out of 39

Background:

In 1992, Governor Zell Miller proposed an education reform initiative package which included a charter school initiative. On April 19, 1993, the governor signed Senate Bill 73 creating a Council for School Performance and S.B. 74 creating charter schools. The Council created by S.B. 73 was tasked with evaluating and publishing reports on the progress of Georgia's schools. S.B. 74 provided for an unspecified number of charter schools, or "break-the-mold" schools, that would operate under renewable three-year contracts with the local school system and the State Board of Education. Only existing public schools are eligible to apply for a charter. Charter schools are free from state and local rules and regulations.

On March 14, 1995, Amendment 19 passed the legislature with the backing of Governor Miller. The amendment simplified the restrictions on forming and renewing a charter school by changing the teacher support requirement from a two-thirds vote to a simple majority vote. In addition, the charter school law was amended to extend the period of the charter from three years to five years. Governor Miller was able to include $5,000 grants to assist charter schools in their planning process. Although there is no current limit on the number of charter schools that can be formed within the state or district, the law allows only existing public schools to convert to charter schools and forbids open enrollment. In addition, the state school board can revoke the charter at any time if it feels that the school fails to fulfill the terms of the charter.

In 1993, Glenn Delk, president of Georgia Parents for Better Education, rediscovered a 1961 law that provided education grants to help white families avoid desegregated public schools. Later, minority parents and children used the same law to obtain school choice. The 1961 law provided educational grants for students to attend the public or private school of their choice. State officials have deemed the law "unusable," but strong public interest encouraged Lt. Governor Pierre Howard (D) to call for special public hearings before the Senate Education Committee. In 1994, the Southeastern Legal Foundation took up the cause on behalf of some of Georgia's poorest families, attempting to get the state and its local school districts to enforce the law with a tuition voucher statute for children in kindergarten through 12th grade.

In 1992, the Georgia Public Policy Foundation established a private voucher program for low-income students in Atlanta. The foundation is a research organization that focuses on state issues and strongly supports education reform, including school choice. The voucher program gives low-income parents up to $3,000 to pay for half of their child's tuition at any private school. Scholarships are distributed through the Children's Education Foundation, which was established to administer the new program.

Progress in 1996:

Seven new charter schools opened in Georgia in 1996, bringing the total number to 10.

During the 1996/1997 school year, 128 Georgia students have been attending schools of their parents' choice, using vouchers from the private Children's Education Foundation program. Another 600 children are on the waiting list.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: Two pieces of legislation introduced in 1996 would have created school choice programs based on the state's already existing HOPE scholarship program, a college scholarship program championed by Governor Miller. Neither bill made it to a vote. The first piece of legislation, proposed by Senator Pam Glanton and supported by Georgia members of the Christian Coalition, would have given vouchers to students who achieved a B average or better to attend the school of their choice. Students choosing private schools, both religious and non-religious, also would have received vouchers. A similar bill, introduced by Representatives Bob Irvin and Kathy Ashe, would have provided $2,500 to $5,000 vouchers to low-income students.

Developments in 1997:

On March 17, 1997, the Georgia Supreme Court handed down a decision on the 1961 legislation which had authorized the state to provide educational grants to students so that they could attend both public and private schools of choice. The court did not challenge the constitutionality of this law, but it also did not order the state to enforce it. The result likely will be a legislative battle over the issue of school choice in Georgia.

Position of the Governor:

Governor Zell Miller, a Democrat, favors public school choice within school districts as well as the concept of limited charter schools. He signed S.B. 74, which established a limited charter school program for the state. Governor Miller does not favor private school or religious school choice.

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Hawaii

State Profile:

- Total number of students in public elementary and secondary schools: 183,164
- Per pupil spending: $5,050
- Per pupil spending rank: 33 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.9/1
- Pupil/Teacher rank: 41 out of 51
- Graduation rate: 79.3 percent
- Graduation rank: 14 out of 51
- SAT rank: 16 out of 24
- NAEP score: 37 out of 39

Background:

In 1994, the Hawaii legislature passed Act 272, a charter school bill that allows the granting of four-year charters to public schools. The bill limits the number of charters to 25 for the entire state.

Progress in 1996:

One new charter school opened in Hawaii in 1996. It joined one that had opened in 1995.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice bills were introduced during the 1996 legislative session.

Position of the Governor:

Governor Benjamin J. Cayetano, a Democrat, supports public school choice but opposes any voucher program that would shift the cost of private education to the taxpayers. The governor also supports the current charter school system.

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Idaho

State Profile:

- Total number of students in public elementary and secondary schools: 240,448
- Per pupil spending: $4,159
- Per pupil spending rank: 45 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 19.5/1
- Pupil/Teacher rank: 45 out of 51
- Graduation rate: 77.8 percent
- Graduation rank: 16 out of 51
- ACT rank: 11 out of 27
- NAEP score: N/A

Background:

Idaho makes a variety of options available to students and their parents. Within certain limits (primarily enrollment capacity), students may choose the school they wish to attend in a district. Under the law, state funds follow the child to the chosen school. During the 1995/1996 school year, 3,090 children participated in Idaho's interdistrict school choice program.

The Charter School Act of 1995 (House Bill 163), sponsored by Representative Fred Tillman (R–Boise), passed unanimously through the House Education Committee. However, the legislation, which would have authorized the establishment of charter schools by teachers, parents, or businesses, died when it failed to win a majority vote in the Senate Education Committee. The bill prohibited charter schools from accepting students through open enrollment, although it did provide funding for start-up costs. It also includ-

ed provisions to prevent private or religious schools from converting to charter schools.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School Choice: No school choice legislation was enacted during the 1996 legislative session.

Position of the Governor:

Governor Philip E. Batt, a Republican, has expressed some interest in limited school choice programs. He has stated publicly that the concept of chartered schools is a good one. He also believes in the philosophy of a voucher system because it would give parents flexibility to decide both how and where to use their educational dollars. Governor Batt has yet to sponsor or push forward any school choice legislation, however.

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Illinois

State Profile:

- Total number of students in public elementary and secondary schools: 1,919,226
- Per pupil spending: $6,502
- Per pupil spending rank: 11 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.0/1
- Pupil/Teacher rank: 30 out of 51
- Graduation rate: 76.0 percent
- Graduation rank: 20 out of 51
- ACT rank: 16 out of 27
- NAEP score: N/A

Background:

The debate over school choice in Illinois has intensified in recent years. A 1988 state law led to decentralization of the Chicago public schools and authorized citywide choice of public schools, beginning with the 1991/1992 school year; its provisions, however, were delayed indefinitely.

The Illinois Scholarship Schools Act was introduced in March 1993 by state Representatives William J. Laurino (D) and Ralph Capparelli (D) as House Bill 1732. This law, designed by TEACH America, a business organization that promotes education reform and school choice, would establish a citywide voucher plan. Parents of students who switched to private or parochial schools, or who already were enrolled in those schools, would receive vouchers worth $1,500 for the elementary grades and $3,000 for high school. Resources for the vouchers would be generated internally from existing state funds. The vouchers would be distributed by random selection, initially to children from low-income families and then to all other children.

The Illinois Scholarship Schools Act cleared the Education Committee but was not called for a floor vote. At the same time, state Senators Dan Cronin (R) and Walter W. Dudycz (R) introduced a similar bill, Senate Bill 812, which never made it out of the Education Committee. Senator Cronin later introduced S.B. 592, a diluted version of S.B. 812 that would have created a four-year pilot program in a sub-district of Chicago. It passed the Senate but did not get to a vote in the House. State Representative Bob Bugielski (D) sponsored H.B. 890, an education choice act backed by the Catholic Conference and introduced every year since 1989. H.B. 890 would have provided 1,000 scholarships for students to attend public, private, or religiously affiliated schools. It also would have required a tax increase, which may help to explain why, when called to a floor vote, it received the fewest votes of any choice bill in the Illinois legislature since 1989.

During the 1995 legislative session, two similar charter school bills were introduced: H.B. 207 and S.B. 19. Both versions would have created 45 charter schools statewide (15 in Chicago, 15 in the surrounding counties, and 15 in other parts of the state). H.B. 207, supported by Republicans, required that local school boards give teachers who accept employment with a charter school up to a five-year leave of absence and, at the end of the authorized leave, an option to return to a comparable position or resign. In addition, it allowed teachers to resign from charter schools only after giving at least 60 days notice before the end of the school year. H.B. 207 passed the House but was not agreed to by the Senate. The Senate passed S.B. 19, but the House refused to agree. Neither body acted on H.B. 207 or S.B. 19 during the final hours of the 1995 legislative session, and the bills were held over.

Over the past several years, the Illinois legislature has considered a voucher system for the city of Chicago, thanks to the groundswell of grassroots support for school choice. The city serves 22 percent of the state's students, and 80 percent of its students are minorities. The state legislature considered S.B. 17, the Educational Choice Act, to give low-income parents or guardians of students residing in the Chicago school district the choice of enrolling their children in a private or parochial school within that sub-district's school. The law would establish a four-year pilot program, beginning with the 1996/1997 school year, under which $2,500 vouchers would be made available to 2,000 families with annual incomes of $28,860 or less. Funding for the vouchers would be provided by diverting up to $5 million in existing state aid from the Chicago School District. S.B. 17 passed the Senate but failed to win enough support in the House, and was postponed for consideration until the 1996 legislative session.

Chicago has three different programs that provide private scholarship assistance to needy students.

The Daniel Murphy Scholarship Foundation gives scholarships averaging about $7,000 to low-income students based on a competitive application process. Over 100 students receive scholarships each year.

The Big Shoulders Fund has several programs that provide assistance to Chicago Catholic schools and their students. In June 1996, $300,000 was allocated in block grants to Catholic high schools in the area. $175,000 was allocated in partial scholarships to students in elementary, middle, and high schools. In addition, $125,000 was made available for emergency scholarships awarded at the request of school principals for currently enrolled students who are experiencing sudden financial hardship.

Since 1966, Link Unlimited has awarded financial aid to low-income students for Catholic school education. The program enabled 230 low-income high school students to attend Catholic schools during the 1996/1997 school year.

Progress in 1996:

Illinois opened its first charter school in 1996. Peoria Alternative Charter School serves students with behavioral difficulties and is sponsored by the Peoria Board of Education.

The Educational Choice Act was proposed once again in 1996 by Representatives Peter Roskam and Al Salvi. However, it was removed from consideration because there were not enough votes for passage.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: Senate Bill 17, the Educational Choice Act, was postponed to the 1996 session. It had the support of both the Speaker of the House and the President of the Senate.

Position of the Governor:

Governor Jim Edgar, a Republican, actively supports charter schools. However, he has not been active in behalf of any voucher or school choice legislation.

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Indiana

State Profile:

- Total number of students in public elementary and secondary schools: 972,521
- Per pupil spending: $5,543
- Per pupil spending rank: 24 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.5/1
- Pupil/Teacher rank: 34 out of 51
- Graduation rate: 73.8 percent
- Graduation rank: 25 out of 51
- SAT rank: 19 out of 24
- NAEP score: 10 out of 39

Background:

Indiana currently provides transportation to children attending private schools if the schools are on the same bus routes as the public schools. In addition, low-income children attending private and parochial schools are entitled to state financial support for textbooks. In February 1992, the Indianapolis school board approved a citywide public school choice plan. Because of court-ordered racial balance requirements, however, choices are limited.

Four years ago, COMMIT, an Indiana coalition of business leaders backing comprehensive school reform, launched a legislative drive for full choice in public and private schools. With this support, Indiana legislators introduced comprehensive choice-based education reform legislation in 1991 and 1992, including statewide choice of public and private schools. This legislation died in committee both years. To increase the chance of legislative approval, the COMMIT board voted in October 1992 to revise the bill by deleting private school choice. Since the legislature rejected even the weakened bill, COMMIT is again supporting private school choice.

Conservative legislators introduced a charter school bill in the 1995 legislative session that failed to gain a majority of the votes in the General Assembly. The bill would allow teachers, community leaders, or an independent group such as a corporation to create a charter school. Because the bill limited collective bargaining, the Indiana teachers unions and their allies in the legislature succeeded in killing it. Several other school choice initiatives were introduced during the 1995 session, including a bill geared toward helping low-income families in Indianapolis, but all failed in their respective committees.

The Golden Rule Insurance Company, based in Illinois, has a major office in Indianapolis. In 1991, it started a national trend among corporate and philanthropic charities with its innovative private scholarship program. Working with other Indiana-based firms, Golden Rule's CHOICE Charitable Trust helps low-income Indianapolis children attend the private school of their choice by awarding them scholarships for up to half of their tuition costs. Despite the Indiana education establishment's vigorous attacks on Golden Rule CEO J. Patrick Rooney, who designed the scholarship program, parental response has been overwhelmingly positive. The Educational CHOICE Charitable Trust helped 1,014 low-income Indianapolis children attend area private or parochial schools during the 1996/1997 school year; 585 children are on its waiting list.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: S.B. 396 died in the Indiana Senate after six Republicans joined 18 Democrats in opposition. The legislation would have allowed teachers, members of the community, and for-profit companies to apply for charters to start new schools. The new schools would not have been required to comply with state, local, and union rules such as regulations relating to the school calendar, staffing, budgeting, and curricula.

School Choice: No school choice legislation was introduced in the Indiana state legislature during the 1996 session.

Position of the Governor:

Governor Frank O'Bannon, a Democrat, supports public charter schools and intra-district public school choice.

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Iowa

State Profile:

- Total number of students in public elementary and secondary schools: 498,837
- Per pupil spending: $5,252
- Per pupil spending rank: 28 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 15.6/1
- Pupil/Teacher rank: 19 out of 51
- Graduation rate: 86.2 percent
- Graduation rank: 5 out of 51
- ACT rank: 3 out of 24
- NAEP score: 4 out of 39

Background:

Iowa is the sixth year of its statewide inter-district open-enrollment program. In the 1996/1997 school year, 13,958 students are attending schools outside their districts. Transportation is provided for children attending non-public schools if they and their schools are on the regular public school bus route. If they are not on the public school bus route, parents can be reimbursed for school transportation costs.

Iowa's voucher payment for transportation has survived several legal challenges. If Iowa parents choose to send their children to private schools, they may take a tax deduction of up to $1,000 for each child, with a limit of four children per family. Taxpayers who do not itemize deductions may take the deduction as a tax credit.

School districts in Iowa, like districts in other states with public school choice policies, may deny students a district transfer if the transfer in-

terferes with racial desegregation efforts. The limits of this restriction were tested in Des Moines in December 1992 when the school board refused to grant transfers for 122 white students for the following school year while granting requests from six minority students. The reason: During the first two years of choice, 402 of the 413 students choosing to transfer from Des Moines to surrounding suburban districts were white; only 11 were members of minority groups. The Des Moines school district had almost 32,000 students, of whom only 20 percent were members of minority groups. Parents appealed the court's decision, which subsequently was overturned because the school board had no written policy to justify denial of the student transfers.

After the ruling, the school board imposed explicit restrictions on student transfers. The new policy established strict racial ratios for school districts, and the school board has used these new racial restrictions to deny more student requests for transfers.

The state also permits post-secondary enrollment options which allow high school juniors and seniors to take college courses.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School Choice: The Iowa Catholic Conference has proposed a refundable tax credit of $500 for parents with students in kindergarten through eighth grade ($1,000 for parents with students in grades 9 through 12) who choose independent schools for their children. In 1997, the Iowa legislature will consider a bill based on this proposal.

Position of the Governor:

Governor Terry E. Branstad, a Republican, favors public school choice but opposes choice plans that include private schools. He also supports an increase in the tax credit available to parents with children in private and parochial schools.

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Kansas

State Profile:

- Total number of students in public elementary and secondary schools: 460,905
- Per pupil spending: $5,229
- Per pupil spending rank: 29 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 15.1/1
- Pupil/Teacher rank: 12 out of 51
- Graduation rate: 77.3 percent
- Graduation rank: 17 out of 51
- ACT rank: 11 out of 27
- NAEP score: N/A

Background:

Kansas passed a restrictive charter school bill in April 1994. The number of schools that may receive charters is capped at 15 statewide, and each district is allowed no more than two charters at a given time. Under current law, any group that is not religiously affiliated may apply for a charter. To apply, a petition must be submitted to the local school board. Once the local board approves the charter, the application is sent to the State Board of Education for review. If the charter passes this review, it is approved, after which the approved charter school may apply to the local school board for a waiver from local school district rules and regulations. If the waivers are approved by the local board, the charter school may

apply to the state board for additional waivers from state regulations. The charter school remains a legal entity of the local school district.

Currently, no schools are operating under the 1994 charter school law.

In February 1995, Representative Kay O'Connor (R–14) and 10 co-sponsors introduced H.B. 2217, the Kansas GI Bill for Kids, in the State House. Its counterpart, S.B. 182, was introduced by Senators Phil Martin (D–13) and Michael Harris (R–27). These bills would have established school choice by phasing in, over five years, both the number of families eligible to participate in the voucher program and the amount of the voucher. Opponents of H.B. 2217 denied a debate in the House; as a result, the Senate did not act on S.B. 182.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced in the legislature in 1996.

School Choice: No school choice legislation was introduced in the legislature in 1996.

Position of the Governor:

Governor Bill Graves (R) has not publicly endorsed the concept of private school choice or vouchers. He believes that the merits and details of a choice program need further study.

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Representative Kay O'Connor (R-14)
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Kentucky

State Profile:

- Total number of students in public elementary and secondary schools: 655,489
- Per pupil spending: $4,598
- Per pupil spending rank: 37 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.5/1
- Pupil/Teacher rank: 34 out of 51
- Graduation rate: 68.1 percent
- Graduation rank: 35 out of 51
- ACT rank: 22 out of 27
- NAEP score: 24 out of 39

Background:

Kentucky currently has no voucher program and no charter schools, although a 1990 law does give parents limited authority to remove their children from a public school. The law was enacted after the Kentucky Supreme Court ruled in June 1989 that the state's entire system of public education was unconstitutional because resources were not allocated equally among the schools. While the 1990 law was concerned mainly with school organization and accountability guidelines in dealing with the Kentucky Supreme Court ruling, it permitted students to withdraw from their assigned public school if the school was deemed a failure by state authorities. Students still are not allowed to choose the public school to which they will be transferred, however.

In response to the court's decision, the General Assembly passed a series of reform initiatives in H.B. 940, the Kentucky Education Reform Act of 1990 (KERA). H.B. 940 was signed by Governor Wallace G. Wilkinson on April 11, 1990, and went into effect on July 13, 1990. The legislation establishes high educational goals and an assessment process, set by the people of Kentucky, with an accountability system that will:

- Reward schools that are improving students' level of academic success;
- Intervene when schools are struggling to make progress;
- Overhaul early childhood education programs for at-risk children;
- Increase funding for longer school days, school weeks, and school years, including new funding mechanisms to alleviate the financial discrepancies between wealthier and poorer school districts; and
- Change the governing structure of the Kentucky schools to eliminate bureaucracy.

In other reform initiatives, the Jefferson County (greater Louisville area) school system has a limited choice program of traditional and magnet schools. Traditional schools (K through 12) emphasize the basics (reading, writing, math, and science); are strong in discipline; have specific dress and behavior codes; and require active parental involvement and support. Parents put their names on a list for the traditional school which serves their district. Selection is made by a "draw" system, guided by desegregation laws and the school district. There usually is a substantial waiting list. The Jefferson County magnet program (for first through 12th grades) requires an application for a specific curriculum area such as science, math, computer science, performing arts, and visual arts. A child's ability and talent in the chosen area are determined by references, grades, school records, and a personal interview.

Progress in 1996:

No charter school or voucher activity was reported. The state is maintaining its efforts to reform the Kentucky public school system through the 1990 KERA initiative.

Legislative Developments in 1996:

Charter Schools: No legislative initiatives were introduced during the 1996 legislative session.

School Choice: No legislative initiatives were introduced during the 1996 legislative session.

Position of the Governor:

Governor Paul Patton, a Democrat, has no stated position on the concept of public/private school choice, vouchers, or charter schools.

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Louisiana

State Profile:

- Total number of students in public elementary and secondary schools: 781,857
- Per pupil spending: $4,277
- Per pupil spending rank: 44 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 16.6/1
- Pupil/Teacher rank: 27 out of 51
- Graduation rate: 58.3 percent
- Graduation rank: 49 out of 51
- ACT rank: 26 out of 27
- NAEP score: 38 out of 39

Background:

A charter school bill was passed by the Louisiana legislature in 1995 and signed into law by Governor Edwin Edwards on June 14, 1995. Sponsored

by Senator Cecil Picard (D–25), S.B. 1305l authorizes the establishment of a charter school demonstration program to provide parents, teachers, and concerned citizens with an opportunity to create independent public schools. Under the law, up to eight school boards can volunteer to participate in this pilot program. These schools, in turn, can authorize eligible groups to operate charter schools. The eligible groups would be allowed to establish at least one charter school in the district, and up to one for every 20,000 pupils enrolled in the public and non-public schools within the charter school's jurisdiction. The charter is granted for a five-year period.

Under the new law, only the following may apply:

- A group of three or more Louisiana teachers (holding Louisiana teaching certificates);
- A group of ten or more citizens;
- A public service organization;
- A business or corporate entity;
- A Louisiana college or university; or
- An existing public school, which may convert to a charter school if two-thirds of the full-time faculty and instructional staff, along with two-thirds of the parents present at a meeting to decide the school's fate, sign a petition to convert.

Of the teachers employed by the charter school, at least 75 percent must be state-certified; the remaining 25 percent must meet other requirements. Charter schools, however, will not be bound by any district-wide collective bargaining agreement if so stipulated in their charters.

One of the strengths of the new law is its funding provision. All charter schools approved by the local school board would receive a per-pupil amount equal to the district's average current per-pupil spending. In addition, charter schools would be eligible for other federal, state, or local operating funds for which the school or the student qualifies. The new charter schools could not be operated by religious or home study groups, and no charter school could be started for the purpose of becoming a religiously affiliated or home school.

Progress in 1996:

In 1996, Louisiana approved eight charter schools and opened its first three. All three schools are designed specifically for special-needs students. One serves students at risk of dropping out, a second is sponsored by the Dyslexia Society of Southern Louisiana for dyslexic children, and the third is for "socially maladjusted" youth who have been expelled from the local public school system.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School choice: No school choice legislation was enacted during the 1996 legislative session.

Position of the Governor:

Governor Mike Foster, a Republican, has not stated a position on school choice. He has proposed expanding the state's pilot charter school program to 66 districts and allocating $5 million in loans for the charter schools' organizers.[6]

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6. Center for Education Reform, *School Reform in the United States: State by State Summary*, Spring 1997, p. 22.

Maine

State Profile:

- Total number of students in public elementary and secondary schools: 215,517
- Per pupil spending: $6,023
- Per pupil spending rank: 17 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 14.1/1
- Pupil/Teacher rank: 4 out of 51
- Graduation rate: 81.7 percent
- Graduation rank: 11 out of 51
- SAT rank: 12 out of 24
- NAEP score: 1 out of 39

Background:

Rural areas in Maine that lack public schools provide transportation aid for students who attend private schools outside the area. In 1995, Representative Al Barth (R–Bethel) introduced Legislative Document No. 830, An Act to Establish Charter Schools, to allow any existing or approved non-religious public school, public body, private person, or private organization to apply to a school board or district school committee for a charter. The legislation did not cap the number of charter schools that could be established, and it exempted charters from all statutes and rules relating to public schools, governing boards, and school districts. Funding for the charter school would have been equal to the average per-pupil expenditure for the district in which the charter school is located. The bill died in the Education and Cultural Affairs Committee.

Progress in 1996:

No charter school or voucher action was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session, although it is expected that legislation will be introduced in 1997.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Angus S. King, Jr., an Independent, supports limited school choice, especially in public schools. He has stated that he is open to charter schools.

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Maryland

State Profile:

- Total number of students in public elementary and secondary schools: 790,935
- Per pupil spending: $6,250
- Per pupil spending rank: 15 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.6/1
- Pupil/Teacher rank: 36 out of 51
- Graduation rate: 74.0 percent
- Graduation rank: 24 out of 51
- SAT rank: 5 out of 24
- NAEP score: 27 out of 39

Background:

Although Maryland's 24 school jurisdictions currently have the authority to establish charter schools, none has pursued this opportunity.

On February 24, 1995, Delegate Anthony O'Donnell (R–29C) introduced House Bill 1288, The Maryland Educational Opportunity Program, to provide educational assistance grants to parents with gross incomes below $70,000 for a child enrolled in a non-public school or home in-

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struction program. A public hearing was held, but the bill never made it out of committee.

Education Alternatives, Inc. (EAI), a private education management corporation with contracts in Miami, Florida, and Hartford, Connecticut, had its contract with the city of Baltimore terminated late in 1995, its second year. EAI had managed nine schools throughout Baltimore and found itself constantly fighting the state and Baltimore teachers unions. Subsequent reports have shown that EAI's management of the city's schools led to improved student test scores. For example, 88 percent of the EAI-managed schools showed gains in student achievement in the 1995 Maryland State Performance Assessment Program (MSPAP), compared to 63 percent of the remaining schools throughout the Baltimore city public school system.[7] Baltimore maintains a contract with Sylvan Learning Systems, a private group offering remedial instruction for students failing in their regular school environment.

While the state does not allow parents to select a school for their children, a private scholarship program was initiated recently to help parents send their children to schools of their choice. To help low-income Maryland children, Charity for Choice, a privately funded voucher program set up by teacher and community activist David Gadson, has merged with the District of Columbia's Washington Scholarship Fund, an organization that provides private school scholarships to low-income children.

Progress in 1996:

No charter school or voucher activity was reported. However, Baltimore Mayor Kurt L. Schmoke (D) conceded that his efforts to improve Baltimore's public schools had failed and stated that he wants to offer parents a choice of where they send their children to school.[8] The mayor appointed a task force to study the effects of school choice on the city's schools and students. The task force held six public forums in June 1996.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Parris N. Glendening, a Democrat, supports public school choice but not private school choice. His education reform efforts have focused on magnet schools.

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7. Center for Education Reform, *School Reform in the United States: State by State Summary*, Spring 1997, p. 16.

8. Kathy Lally, "Mayor Wants School Choice for Families," *The Baltimore Sun*, March 7, 1996, p. 1A.

Massachusetts

State Profile:

- Total number of students in public elementary and secondary schools: 897,705
- Per pupil spending: $6,551
- Per pupil spending rank: 10 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 14.3/1
- Pupil/Teacher rank: 5 out of 51
- Graduation rate: 77.0 percent
- Graduation rank: 18 out of 51
- SAT rank: 7 out of 24
- NAEP score: 4 out of 39

Background:

A 1991 Massachusetts open enrollment law permits students to attend a public school in a district other than their own, but only if the recipient district chooses to participate. The program began in September 1991 and was amended in July 1992 when legislation capped the amount that a sending district can lose at $5,000 per pupil or 75 percent of its costs, whichever is lower. Currently, there is no transportation assistance for children who cross district lines to attend the schools of their choice. During the 1995/1996 school year, 6,793 students took advantage of this program.

In addition to the open enrollment program, Massachusetts has several moderately successful public school choice programs. The two most prominent are in Boston and Cambridge. Boston introduced choice in 1989 at the prodding of a frustrated business community. Boston was divided into three school zones for kindergarten through eighth grade, and students were allowed to pick from among all city schools as long as their choice did not undermine the state's guidelines for racial integration.

In 1981, Cambridge launched a school choice program for students in kindergarten through eighth grade and eliminated the system of zones that governed which school a child attended. Schools may accept any child and are constrained only by the available space and state desegregation requirements. This citywide choice program has resulted in improved academic performance by participating students.

Both programs resulted in better racial integration and increased public school enrollment. Most Massachusetts school choice supporters maintain that these plans, by excluding private schools, are too limited to offer the full market benefits of genuine competition.

The Massachusetts inter-district public school choice program was amended again in 1993. Under the amended law, a school district that chooses not to accept incoming students from another district could opt out by a vote of the local school committee. Districts that choose to participate may determine, without state review, the number of seats available for out-of-district students. Transportation costs are reimbursable for poor students traveling to neighboring districts. Schools accepting students can receive tuition from the state equivalent to 75 percent of actual per-pupil spending in the district, up to $5,000. The State Board of Education established an information system to help parents choose among participating districts. In its first year of operation, not more than 1 percent (about 8,000 children) of the total public school student population could participate in inter-district choice; this will rise to a permanent limit of 2 percent (about 16,000 children) by 1997.

While the state choice program does not give parents the option of private schools, there are private scholarships that make it possible for low-income students to attend parochial schools, and direct private assistance is available for Catholic schools. Since 1983, the Catholic Schools Foundation has given aid to nearly 100 Catholic schools in the Boston area. In addition, the Inner-City Scholarship Fund has provided scholarships to low-income children to attend Catholic schools in Boston since 1991. During the 1995/1996 school year, the program aided over 3,000 students.

In 1993, Governor William Weld signed the Education Reform Act into law. Among other things, the law eliminated tenure, required that teachers be recertified every five years, and authorized the establishment of up to 25 charter schools beginning in the 1995/1996 school year. Charter schools must be open to all students and may not charge tuition. Tax dollars follow each child from the school district to the charter school.

Under this law, no more than five of these schools may be established in Boston or Springfield; no more than two may be located in any other city or town; and no more than 0.75 percent of the total public school student population (about 6,000 children) may attend charter schools. Any individual, group, business, corporate entity, two or more certified teachers, or ten or more parents may apply for a charter; private and parochial schools, however, are prohibited from doing so. There are no funding provisions to help charter schools defray their high start-up costs, but private funds are available to charter schools in need. An approved charter school is entitled to get per-pupil payments equal to the average cost per student in the student's residing district, and charter schools are independent of outside control over their daily operations. Fifteen charter schools opened in the fall of 1995.

Progress in 1996:

Seven new charter schools opened for the 1996/1997 school year, and three additional schools were authorized. Five more remain on a waiting list pending action by the legislature to raise the current 25-school cap. A number of the schools in operation were opened in neighborhoods that traditionally have been underserved by the public school system.

In his 1996 State of the State address, Governor Weld announced a statewide program to provide tuition vouchers to low-income families who wish to send children to religious as well as non-sectarian schools. According to an executive summary of the proposal, during the first phase of reform, vouchers would be made available to attend public and non-sectarian schools. During the second phase, an amendment to the Massachusetts Constitution would be proposed to allow for the inclusion of religious schools. The reform package described in the governor's speech was introduced during the 1996 legislative session but was killed by the Education Committee.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School Choice: No school choice legislation was enacted during the 1996 legislative session.

Position of the Governor:

Governor William Weld, a Republican, supports full school choice. He also supports lifting the 25-school cap on the number of charter schools in Massachusetts.

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Michigan

State Profile:

- Total number of students in public elementary and secondary schools: 1,603,535
- Per pupil spending: $6,286
- Per pupil spending rank: 14 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 19.9/1
- Pupil/Teacher rank: 46 out of 51
- Graduation rate: 70.5 percent
- Graduation rank: 31 out of 51
- ACT rank: 16 out of 27
- NAEP score: N/A

Background:

Frustrated by the repeated failure of voters to approve ballot measures for school finance reform in 1993, the Michigan legislature took the extraordinary step of repealing property taxes as a source of school operating revenues. Governor John Engler and his legislative allies crafted quality improvement and cost containment measures such as school choice, abolition of teacher tenure, alternative certification, mandatory competitive bidding for teacher health insurance, and school employee pension reform. Opponents, led by the Michigan Education Association (MEA), succeeded in blocking nearly all of these reforms. The MEA also backed legislation that would increase school spending and centralize school administration even further at the state level.

On December 24, 1993, the legislature acted under a self-imposed deadline and passed a series of bills to replace most of the repealed property tax revenue. The legislature then gave voters the option of raising either the sales tax or, by default, income and business taxes. In addition, legislators overhauled state school aid, folding many categorical programs (such as school transportation and some special education) and separate obligations (such as employer FICA and retirement) into a basic per-pupil grant which could not be transferred between districts.

The most significant reform, however, was charter school legislation. Shortly after passage of this legislation, the leaders of the teachers unions and the ACLU filed a lawsuit claiming that the charter schools were unconstitutional because they were using state funds but were not regulated by the State Board of Education. On November 1, 1994, Ingham County Circuit Judge William Collette ruled that charter schools could not receive public funds. Governor Engler and the legislature responded to the court's ruling by drawing up new legislation with stricter state regulations. Michigan Public Act No. 416 of 1994 was passed on December 14, 1994, to "govern the establishment and operation of a Public School Academy," or charter school.

Michigan's charter school law allows state public universities and community colleges, intermediate school districts, and local school districts to create "public school academies," or charter

schools. Universities have the greatest flexibility; they are free to enroll students from anywhere in the state. Although there is a limit on the number of charter schools that universities may create, there is no cap on the total for the state as a whole. Teachers in charter schools are retained according to performance and do not enjoy tenure rights or guaranteed employment after four years. Funding for Michigan's charter schools is simple: They are eligible for state funds equal to the lesser of the state's average per-pupil expenditures or the per-pupil expenditure in the school district in which the charter school is located.

Michigan law does not permit the waiver of statutory requirements. However, the State Board of Education may waive the application of an administrative rule if the applicant can meet the intent of the rule in a more effective, efficient, or economical manner, or if the waiver can stimulate student performance. Charter schools are defined for constitutional and school aid purposes as "school districts," and thus may be subject to the same bureaucratic regulations that bind districts with respect to admissions, curriculum, assessment, accreditation, teacher certification, special education, and (in the case of district-authorized charter schools) all employee contract provisions. In addition, ambiguity with regard to the scope of applicable state law could delay the creation of new charter schools, even if parental demand for them increases.

Because there is a high parental demand for charter schools in Michigan, the state's charter schools are diverse. There are charter schools catering to pregnant teenagers, Hispanic students at risk of dropping out, young people with learning disabilities, Native American children on reservations, and students with an aptitude for the creative arts. Charters also are available for technical trade academies, for schools with a focus on the environment, and for high-level math and science centers.

On July 6, 1995, State Senator Bill Schuette (R–Midland) introduced S.B. 639, legislation to allow students to attend public school in any district in the state. The bill would have eliminated provisions in the state School Aid Act requiring parents to get the approval of a school district they seek to leave; instead, they would have been required only to get the approval of the district in which they seek to enroll their children. This "inter-district" bill would have added Michigan to a select group of 25 states with some form of inter-district choice. Although S.B. 639 passed the Senate, it failed to reach the governor's desk.

Since 1992, CEO Michigan has been awarding scholarships to low-income students in Detroit and Grand Rapids. Modeled after the successful Golden Rule Insurance Company program in Indianapolis, Indiana, CEO Michigan awarded 330 scholarships for the current 1996/1997 school year and has 1,604 children on the waiting list. In Battle Creek, the Educational Choice Project, another private scholarship program, awarded 178 private scholarships for the 1996/1997 school year.

In Detroit, Cornerstone Schools (three schools established by a coalition of church groups, businesses, labor, and community organizations) offer low-income children educational alternatives. Since over half the children in the Cornerstone Schools cannot afford the full tuition, the schools set up a Partner Program, which matches each low-income student with a partner who gives the student partial scholarship assistance and plays an active role in the student's life. Nearly 500 students are enrolled currently in these Cornerstone Schools.

Progress in 1996:

Michigan currently has 77 public school academies with a total enrollment of 12,343 students. It is estimated that in the fall of 1997, 105 will be operating with a total enrollment of more than 20,000 students. Charter schools focus on high moral standards, Native American culture, African-American heritage, fine arts, parenting skills for teenage mothers, technical training, discipline for severe youth offenders, and other areas of need among Michigan students.

Of the state's 556 school districts, 372 (67 percent) participate in the statewide or locally intra-

district program; 70 districts stated that they had to opt out of the plan due to a lack of available space, while an additional 92 schools not currently operating under the plan are working on plans for the 1997/1998 school year.

TEACH Michigan, a statewide grassroots organization, is continuing to press for a ballot initiative to repeal the state's constitutional prohibition against full educational choice. At present, school choice proponents are concentrating on creating new charter schools and on further liberalizing the charter school legislation as steps toward full school choice. In addition, private efforts to help low-income students escape failing public schools abound.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted in 1996.

School Choice: In June 1996, State Senator Bill Schuette (R–Midland) re-introduced his 1995 inter-district statewide public school choice bill. It passed as part of the School Aid Act for Fiscal Year 1996/1997.

Position of the Governor:

Governor John Engler, a Republican, is one of the strongest advocates of free inter-district school choice and broad and open charter school legislation. The Michigan Constitution prohibits any use of state money for private and religious schools.

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Minnesota

State Profile:

- Total number of students in public elementary and secondary schools: 826,600
- Per pupil spending: $5,472
- Per pupil spending rank: 25 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.4/1
- Pupil/Teacher rank: 31 out of 51
- Graduation rate: 89.5 percent
- Graduation rank: 2 out of 51
- ACT rank: 2 out of 27
- NAEP score: 14 out of 39

Background:

Minnesota has been leading the nation in school choice since the 1980s. In 1988, it became the first state to enact statewide open enrollment for all students. As a result, all school districts are open to any student in the state, provided that space is available.

During the 1995/1996 school year, 18,916 students decided to attend schools outside of their districts. A joint federal-state study, Minnesota's Open Enrollment Option, prepared by Michael C. Rubenstein, Rosalind Hammar, and Nancy J. Edelman of Policy Studies Associates, Inc., found that parents cite "academic reputation" as the single most important reason for transferring children to a different public school, followed by the value of educational services, proximity to home, and the learning environment.

Minnesota allows families with children to take a tax deduction for school expenses even if the children attend a private or parochial school. Deductible expenses include the cost of transportation, required clothing, school books, and other supplies. The maximum annual deduction for students in grades seven through 12 is $1,000.

Minnesota offers a "second-chance" program to children 12 years old and older with a deficiency in basic skills or a history of personal or disciplinary problems. The High School Graduation Incentive Program allows students to attend either a public school or one of several private schools operating under contract with the school districts. Because state revenues follow the students, families can select schools designed to deal with their children's specific problems.

In 1991, Minnesota again broke new ground by passing the Charter Schools Act. This law permits teachers to create and operate new public schools with virtually no state and local bureaucratic restriction. Supporters of school choice in Minnesota see this type of institution as bridging the gap between public and private schools. The original legislation provided for eight charter schools.

City Academy in St. Paul—the country's first charter school—was established to meet the growing need for academic programming aimed at returning alienated young adults to productive and responsible roles within the community. Students typically are 16 to 21 years of age and have experienced combinations of academic failure, poverty, chemical dependency, violent or delin-

quent behavior, and physical or sexual abuse. After three years in existence, 90 percent of City Academy's seniors have been graduated.

In 1993, the legislature voted to expand its charter school law, increasing the number of charter schools permitted in the state from eight to 20. The legislature also made it easier for schools to obtain charter status. For example, schools denied charters by their local school boards now are allowed to appeal their case to the State Board of Education. By the spring of 1993, more than 20 schools had applied for charter status. In 1994, the Minnesota legislature again refined the charter school law, increasing the number of charter schools to 35. Charter schools now may lease classroom space from religious organizations.

Under the charter school law, parents have the right to withdraw their child at any time and for any reason. A survey of parents of children enrolled in charter schools, conducted by the Minnesota House Research Department in 1994, shows that parents are satisfied. Most listed curriculum and school features as reasons for choosing charter schools. They also liked the smaller classrooms and the environment. The survey showed that many parents also were satisfied with the charter schools' teachers and their positive academic effect on the students.

In 1993, the Minneapolis School Board contracted out the leadership of its school system to Public Strategies Group, a Minneapolis-based private consulting firm. PSG now manages the school district's 75 schools with a $220 million budget; its stated goal is to change the schools from a "culture of bureaucracy to a culture that is focused on customer service, where the parents and students are the customers." The firm is paid only if it meets goals negotiated every six months with the Minneapolis School Board.

Minnesota also was the first state to permit high school students to enroll in college for dual credits. This program, which began in 1985, allows high school juniors and seniors to take courses at local colleges for both high school and higher education credit. A share of the money allocated for their high school course work follows these students to their chosen colleges. As a result of this program, local high schools have doubled their advanced placement course offerings to meet the stiff competition posed by college-run courses.

Progress in 1996:

Three new charter schools opened in Minnesota for the 1996/1997 school year, bringing the total to 19. Over half of these schools target low-income, at-risk, or physically and mentally handicapped students.

On December 4, 1996, Governor Arne Carlson unveiled "Students First," his education reform agenda. Among other things, this plan introduced a $150 million tax credit and deduction program. Families with incomes below $39,000 would be eligible to receive a tax credit of $1,000 for each child in school. The proposal would triple Minnesota's current educational expense tax deduction and expand it to include additional education costs. The governor's tuition tax credit proposal will be debated in the 1997 legislature.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted in 1996.

School Choice: No school choice legislation was enacted in 1996.

Position of the Governor:

Governor Arne Carlson, a Republican, who once opposed private and religious school choice, now fully supports school choice. He also strongly supports charter schools and the state's open enrollment plan. In July 1995, and again in his 1996 State of the State address, the governor stressed his commitment to bringing school choice to Minnesota: "I pledge today: Minnesota parents will have school choice.... [W]e want to expand the range of choices to include private and parochial schools."[9] Governor Carlson originally intended to offer a pilot school choice program for the cities of St. Paul and Brooklyn.

9. Governor Arne Carlson, Minnesota State of the State Address, January 16, 1996.

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Mississippi

State Profile:

- Total number of students in public elementary and secondary schools: 503,301
- Per pupil spending: $3,566
- Per pupil spending rank: 49 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.8/1
- Pupil/Teacher rank: 40 out of 51
- Graduation rate: 58.3 percent
- Graduation rank: 48 out of 51
- ACT rank: 27 out of 27
- NAEP score: 36 out of 39

Background:

Because school choice was a major issue in Governor Kirk Fordice's successful 1991 campaign, he appointed a task force in 1992 to look into options for school reform. Based on the recommendations of that task force, the governor's proposals included a ballot initiative called the People's Right to Initiate Model Education (PRIME) Act. PRIME would give people the right to propose changes in school management policies to their local school board, after which—if the board rejected these recommendations—the issue could be submitted, with the requisite number of proper signatures, directly to the voters. The local school board could propose recom-

mendations and implement them at the local level.

The governor's initiative would promote direct grassroots reform and allow local communities to try different approaches to education. Local communities could decide for themselves whether to adopt charter schools, magnet schools, privatization, curriculum changes, merit pay, vouchers, or any other education reform proposal. Supporters were able to get the 85,000 signatures necessary for the PRIME initiative to appear on the 1998 ballot.

On the private voucher front, CEO Metro Jackson provides 156 scholarships to low-income children for the 1996/1997 school year; 117 are on a waiting list.

Progress in 1996:

No additional charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session. The governor is working to secure enactment of charter school legislation in 1997.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Kirk Fordice, a Republican, supports school choice that includes both private and public schools.

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Missouri

State Profile:

Total number of students in public elementary and secondary schools: 861,542
Per pupil spending: $4,502
Per pupil spending rank: 39 out of 51 (50 states and the District of Columbia)
Pupil/Teacher ratio: 15.3/1
Pupil/Teacher rank: 15 out of 51
Graduation rate: 69.8 percent
Graduation rank: 33 out of 51
ACT rank: 8 out of 27
NAEP score: 15 out of 39

Background:

Missouri has no charter school or school choice laws in effect. On September 26, 1994, the U.S. Supreme Court agreed, pursuant to a decision by U.S. District Court Judge Russell A. Clark, to review for the third time the massive desegregation plan implemented in Kansas City. The Court accepted an appeal brought by the state, which has been forced to bear much of the cost of this plan. The issue before the Court was whether a "desegregating school district" must provide equal educational opportunity and improve student performance and test scores before judicial supervision can be concluded.

In June 1995, in a 5-4 decision, the Supreme Court ruled that equal outcomes constitute an inappropriate standard. This was at least a partial victory for the state: The Court did not determine when Judge Clark's supervision of the district should be terminated, but it did decide that it should end. Chief Justice William Rehnquist, writing for the majority, "held that, among other things, Judge Clark had exceeded his authority in ordering some kinds of spending."[10] The district court agreed to a settlement proposal that would end state funding for the desegregation remedy by 1999 but stopped short of issuing a unitary states' declaration. Judge Clark subsequently stepped down from supervising the case and asked that it be reassigned to another judge. It has been assigned to Judge Dean Whipple.

Two pieces of legislation dealing with education reform were introduced in the Missouri House during 1995, but neither was passed. H.B. 233, a school attendance bill sponsored by Representative Dennis Bonner (D), would have permitted students or their parents to request assignment to the district school closest to the student's residence. H.J.R. 1, a resolution dealing with public and private school choice sponsored by Representative Henry Rizzo (D), proposed a constitutional amendment allowing the granting of annual, non-taxable scholarships to all school-age children in Missouri. The scholarships would have been for no less than 50 percent of the annual average amount of state and local expenditures per public school student (approximately $3,000 in Fiscal Year 1995/1996) and could have been used to pay all or part of the cost of education at public or private schools that elected to redeem them.

The resolution prohibited the General Assembly from enacting regulations applicable to private schools without the approval of 75 percent of its members, except for regulations related to safety and fraud, which may be enacted by a two-thirds vote. It directed the General Assembly to develop and implement a process through which public schools might become independent scholarship-redeeming institutions operating under regulations that are no more restrictive than those applicable to private schools that redeem the scholarships.

Five school action items were introduced in the Senate in 1995, but none was passed. S.B. 141, introduced by Senator Ronnie DePasco (D), would have allowed pupils to attend the closest school within their school district. S.B. 185, the Charter Schools Act, introduced by Senator Francis E. Flotron (R), proposed a restrictive form of charter schools that would have allowed one or more school boards to sponsor a charter school and then to authorize, by written contract, one or more persons to establish the school. Technical assistance in reviewing these contracts would have been provided by the Missouri Department of Elementary and Secondary Education (DESE), which would have been required to provide information on the formation of charter schools to all Missouri school districts. The law further specified that each charter would be granted for a period of five years but that private and religious schools could not apply.

S.B. 406 would have permitted pupils in federally mandated desegregation districts (St. Louis and Kansas City) to choose a school in any district in the state. S.J.R. 16, sponsored by Senator Peter Kinder (R), would have amended the state's constitution, if approved by Missouri voters, to allow parents of school-age children to choose any public, private, or home schooling program for their children.

The final legislative action also took the form of an amendment to the state constitution. S.J.R. 17, the Parental Choice in Education Amendment, also sponsored by Senator Kinder, would have provided an annual scholarship or voucher worth an estimated $2,230 to every elementary and secondary school-age child in Missouri. The scholarship would have been redeemable at any public or private school in the state, and the General Assembly would have had to establish a process by which public schools could become independent scholarship-redeeming schools. S.J.R. 17 was

10. "Fading Dream." *The Wall Street Journal*, September 26, 1995.

similar to H.J.R. 1 in that it would have allowed such schools to operate under regulations no more restrictive than those which apply to private schools.

By the end of 1997, the State Board of Education will select three school sites to participate in an experiment called the New Schools Project. This project allows a school to be managed by a team of five members, with one person designated as principal. The team is to be responsible for the day-to-day running of the school, including the hiring of staff, but also must abide by all existing collective bargaining rules. It also would have to apply to the State Board of Education for waivers to exempt the school from certain rules and regulations.

Progress in 1996:

No new charter school, school choice, or voucher programs were reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was passed in 1996.

School Choice: Several bills to provide tax deductions of $800 to $2,500 for dependents and for tuition and education fees were approved by the Senate Ways and Means Committee in 1996. A bill to provide public or private school tuition scholarships worth about $3,000 per student to low-income families was introduced in 1996 and may resurface in 1997.

Position of the Governor:

Governor Mel Carnahan, a Democrat, opposes school choice and has promised to push for a tax increase to generate additional funding for public education.

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Montana

State Profile:

- Total number of students in public elementary and secondary schools: 164,295
- Per pupil spending: $5,088
- Per pupil spending rank: 32 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 16.5/1
- Pupil/Teacher rank: 25 out of 51
- Graduation rate: 84.2 percent
- Graduation rank: 7 out of 51
- ACT rank: 3 out of 27

- NAEP score: 7 out of 39

Background:

Montana's constitution prohibits giving financial aid to sectarian schools, and the large majority of private schools in the state are sectarian.

One charter school bill, S.B. 370, was introduced during the 1995 legislative session by Senator Toews (R). This bill would have authorized the establishment of charter schools through an application to the trustees of a school district. Charters would have been limited to ten per fiscal year, restricted to three-year terms, and limited to non-sectarian schools. The bill passed the Senate in February 1995 but died in the House Education and Cultural Resources Committee in March 1995.

Progress in 1996:

No new charter school, school choice, or voucher programs were reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Mark F. Racicot, a Republican, believes school choice would not be practical for Montana, given the sparse population in some regions of the state. Governor Racicot has stated no position on charter schools.

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Nebraska

State Profile:

- Total number of students in public elementary and secondary schools: 286,405
- Per pupil spending: $5,590
- Per pupil spending rank: 23 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 14.5/1
- Pupil/Teacher rank: 6 out of 51
- Graduation rate: 93.2 percent
- Graduation rank: 1 out of 51
- ACT rank: 5 out of 27
- NAEP score: 10 out of 39

Background:

In 1989, Nebraska became the fourth state to adopt an open enrollment law permitting parents to choose schools outside their district, subject only to constraints of space and the legal requirements for racial balance. In the 1990/1991 school year—the first year of the program—567 students participated. In 1991/1992, 2,726 students participated; and by 1992/1993, the number had grown to 4,920 pupils. Currently,12,119 students attend school outside their home districts. Students are allowed to exercise this transfer option only once in their academic career unless their family moves. The open enrollment law does not address choice of schools within district boundaries. Each district is free to set its own policy.

State funds for the transportation of students across district lines are available for all low-income children who qualify for free lunches under the National School Lunch Program. Parents of children who do not qualify must arrange for transportation to the receiving district line, and the receiving district will provide transportation from the district line to the school.

In the 1995 legislative session, Legislative Bill 708 was introduced to amend the 1989 open enrollment law. The goal of L.B. 708 was to place

tougher restrictions on children who could be admitted to the program. The law specifically targeted the established standards of acceptance and amended them to include disciplinary actions or proceedings current at the time of application. This would make it more difficult for students who are being expelled from one school to apply for a transfer to another public school, thereby avoiding suspension or expulsion. L.B. 708 has been held in the Education Committee since March 7, 1995.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School Choice: No school choice legislation was enacted during the 1996 legislative session.

Position of the Governor:

Governor Ben Nelson, a Democrat, supports Nebraska's public school open enrollment program. He does not support private school choice. He has no stated position on charter schools.

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Nevada

State Profile:

- Total number of students in public elementary and secondary schools: 250,747
- Per pupil spending: $4,678
- Per pupil spending rank: 36 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 18.9/1
- Pupil/Teacher rank: 44 out of 51
- Graduation rate: 64.7 percent
- Graduation rank: 40 out of 51
- ACT rank: 8 out of 27
- NAEP score: N/A

Background:

Nevada has passed no school choice or charter school laws, although the charter school idea has received legislative support since 1993. Senate Bill 31, which would authorize the formation of charter schools in Nevada, was prefiled for the 1996 legislative session in the Nevada legislature on December 29, 1994; it has been held in the Senate Committee on Education since June 29, 1995. S.B. 31 would have authorized a school district's board of trustees to approve a charter school by creating a new school or converting an existing school if at least two-thirds of the parents and employees, faculty, and administrative staff requested a conversion. After being approved by the trustees of the school district, a charter also would need the approval of the State Board of Education. Charters would be granted for up to five years.

S.B. 31 included restrictive regulations on charter schools which would make it difficult to establish a charter. Charter schools could exist only in counties with a population of at least 35,000, and no more than one charter school would be allowed to operate in an existing county. The bill mandated that charter schools be non-sectarian, and it could limit admission qualifications. The legislation also stipulated that funding for the

charter school should be set at 95 percent of the school district's per-pupil expenditure; the district would be allowed to retain the remaining 5 percent to cover any administrative costs associated with the charter school program.

The legislation also had some strengths. It stipulated that the charter schools would be exempt from the state and local regulations that generally apply to the public schools. It also would provide for a general fund account to be used solely to help charter schools offset start-up costs, including the renovation and remolding of existing buildings.

Assembly Bill 340, an act authorizing certain private schools to obtain payments from county school districts for educating certain pupils, was introduced on March 16, 1995, but then was postponed by the Concurrent Committees on Education and Ways and Means on April 25, 1995. A.B. 340 dealt with the ability of certain students to obtain an education at an accredited private school with limited government regulation. It, too, died in the legislature.

Since the Nevada legislature meets every other year, reform-minded legislators will not be able to revisit these concepts until 1997.

Progress in 1996:

No charter school or voucher activity was reported in the state.

Legislative Developments in 1996:

Charter Schools: Legislation promoting charter schools was re-introduced during the 1996 legislative session, but movement on the legislation stalled.

School Choice: No new school choice legislation was introduced in 1996.

Position of the Governor:

Governor Bob Miller, a Democrat, opposes all forms of school choice and charter schools.

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New Hampshire

State Profile:

- Total number of students in public elementary and secondary schools: 186,398
- Per pupil spending: $6,390
- Per pupil spending rank: 13 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 15.9/1
- Pupil/Teacher rank: 20 out of 51
- Graduation rate: 68.7 percent
- Graduation rank: 34 out of 51
- SAT rank: 3 out of 24
- NAEP score: 4 out of 39

Background:

Local funding for education is stronger in New Hampshire than in any other state, accounting for roughly 90 percent of per-pupil expenditures. As a result, school districts have enjoyed wide latitude in setting educational policy. This includes establishing school choice programs. In rural districts too small to operate their own high schools, a town may use local tax dollars to send students to nearby public and private high schools.

In 1992, the State Supreme Court handed down the Epsom, New Hampshire, decision denying local property owners a $1,000 tax rebate for each child they enrolled in a private or parochial school because of a failure to meet the "for good cause" criterion for tax abatement. In response to this ruling, state Representative Jim Fenton (R) introduced House Bill 368, which would define private school tuition costs legally as a "good

cause" for local tax abatement purposes. The bill was voted down in the House.

In his bid to win a seat in the state Senate, Senator Jim Rubens (R-5) campaigned heavily to allow school districts control over their education choices. Through his efforts on the Senate Education Committee, both houses of the New Hampshire legislature passed a bill (S.B.-9-FN-Local, now Chapter 260 NH Laws) on May 23, 1995, to allow establishment of charter schools in the state. The new law, An Act Relative to Charter Schools and Open Enrollment, establishes an optional charter school provision subject to local voter adoption at the annual school district meeting.

Under the law, two state-certified teachers, ten parents, or a nonprofit organization can propose a school charter to address curriculum, academic goals, annual budget, location of facilities, methods of assessment, and other details of operation. The charter schools would be exempt from oversight by both state and local education authorities, and would have full authority to oversee their own operations. However, the funding provisions in the law are not strong. Each charter school will receive two-thirds of the district's average per-pupil expenditure; the remaining one-third will stay in the local public school system.

The law went into effect on July 1, 1995. The first charter schools were not scheduled to open until the fall of 1996 because of the approval provisions mandated under the bill. There is a cap of 35 charter schools for the first five years, and a limit of two charter schools per district. After the year 2000, the cap on the number of charter schools will be eliminated. The strong provisions in the charter school law that give the schools a great deal of autonomy are likely to promote vigorous competition among public and charter schools.

S.B.-9-FN-Local contains a section devoted to open enrollment; it allows districts to adopt public school choice at the annual school district meeting. New Hampshire, a state based on a tradition of local control, allows each district to decide whether to participate in an open-enrollment program.

In 1995, Senator George A. Lovejoy introduced Senate Bill 173 to provide tuition payments for pupils attending non-sectarian, non-public kindergartens that have been approved by and meet the attendance and program purposes established by the State Board of Education. The bill failed to be enacted during the 1995 session.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School Choice: No school choice legislation was enacted during the 1996 legislative session.

Position of the Governor:

Governor Jeanne Shaheen, a Democrat, has not stated a position on charter schools or school choice.

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New Jersey

State Profile:

- Total number of students in public elementary and secondary schools: 1,174,545
- Per pupil spending: $9,136
- Per pupil spending rank: 2 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 13.6/1
- Pupil/Teacher rank: 3 out of 51
- Graduation rate: 81.6 percent
- Graduation rank: 12 out of 51
- SAT rank: 10 out of 24
- NAEP score: 13 out of 39

Background:

Certain school districts in New Jersey operate intra-district public school choice programs. Parents are permitted to choose among district schools; if a school is oversubscribed, students are accepted by lottery. The Montclair school district—recognized nationally for its district-wide magnet school program—has witnessed a considerable enhancement of its students' academic progress and has succeeded in fostering voluntary racial integration. A 1990 report by the Educational Testing Service (ETS) confirmed the district's academic progress: Between 1984 and 1988, the median reading and mathematics scores of minority and non-minority students rose in all grades. In most grades, minority students made greater gains than non-minority students, and the overall gap between minority and non-minority academic achievement declined by almost 30 percentage points over four years. The Montclair program limits parental choice only if it would result in racial imbalance or if there is not enough classroom space. ETS found that over 95 percent of families in Montclair received their first choice of school.

The Scholarship Fund for Inner-City Children, a private group based in Newark, also is making it possible for low-income students to attend Catholic elementary and secondary schools within the Archdiocese of Newark. Since 1984, the Fund has provided over 15,000 scholarships with a total worth of over $500,000. The scholarship program also gives grants to schools to develop programs and curricula that address the particular needs of their students. For example, a grant recently was given to St. Patrick High School in Elizabeth to help establish a special education program for students with learning disabilities. The Fund provided $62,000 in 1994 to support 12 school-based educational programs similar to the one in Elizabeth. All money distributed comes from personal, foundation, and corporate donations.

Progress in 1996:

On January 11, 1996, Governor Christine Todd Whitman signed into law Assembly Bill 592/ Senate Bill 1796 and established the nation's 20th charter school law. Under this legislation, a charter school can be established by certified teachers, parents, or a combination of teachers and parents. A charter school also may be established by an institution of higher learning or by a private corporation located within New Jersey. Private or parochial schools are not eligible to establish a charter school. Among the other restrictions on public schools interested in converting to a charter school, 51 percent of the teaching staff in the school as well as 51 percent of the parents of the children attending the school must support the concept.

A cap of 135 charters could be approved by state officials in the first 48 months after passage of the legislation, with a minimum of three charters per district. Charters are to be granted for an initial four-year period, after which they may be renewed for five-year periods.

Charter schools that were not public schools before receiving their charters are required by law not to enroll more than 500 pupils or more than 25 percent of the district's student body, whichever is lower. Funding for the charter school would equal 90 percent to 100 percent of the per-pupil expenditures for the district in which the

charter school is located. The bill would allow transportation to be provided only to students who reside in the district in which the charter school is located.

Among some of the law's weaker provisions are restrictions on the ability of religious schools to get a charter and restrictions on the charter school's ability to adopt its own teacher hiring practices. In an effort to gain the support of the New Jersey Education Association (NJEA), legislators amended the bill both to require that public schools transformed into charter schools must hire only government certified teachers and to guarantee teachers the same salary and benefits as other public school teachers. The law took effect immediately after Governor Whitman signed it.

Governor Whitman also issued Executive Order No. 30 to create an Advisory Panel on School Vouchers. The panel, chaired by former Governor Thomas H. Kean, released its report on proposed school voucher legislation on January 3, 1996. The panel found that:

- School tuition vouchers may serve as an appropriate vehicle for education reform by providing all parents with the ability to select schools and education programs that best suit their children's individual needs;
- A limited pilot program should be established that allows children residing in an eligible school district to attend a participating non-public school or public school and pay the tuition in full or in part with a tuition voucher;
- The amount of the tuition voucher should be no more than $2,500 for kindergarten through eighth grade, and $3,500 for pupils in grades 9 through 12; and
- Transportation should be provided to all students accepting the voucher, regardless of whether the school is within or outside the student's residing district.

The Kean Report does not specify whether the voucher can be used at religious institutions. It does mention, however, that a non-public school must be designated by the U.S. Department of Education as currently eligible to receive publicly funded services. This provision may exclude religious schools from participating in the program.

The privately run Jersey City Scholarship Fund provided 1,624 scholarships for the 1996/1997 school year. There are 450 children remaining on the waiting list for a scholarship.

Legislative Developments in 1996:

Charter Schools: No new charter school legislation was enacted in 1996.

School Choice: In October 1996, Assemblyman E. Scott Garrett proposed a $5.5 million appropriation to create the pilot voucher program recommended by the governor's advisory panel. Parents would receive a $2,500 voucher for children in kindergarten through the eighth grade, and a $3,500 voucher for children in high school. The vouchers could be used at participating public and private schools.

Position of the Governor:

Governor Christine Todd Whitman, a Republican, campaigned as a strong supporter of full school choice in 1993. In 1995, concerned with potential budgetary constraints, the governor put off her school choice proposal by appointing the Advisory Panel to study the concept of school choice. She favors the Advisory Panel's recommendations for a pilot voucher program. Governor Whitman signed the state's first charter school law on January 11, 1996.

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New Mexico

State Profile:

- Total number of students in public elementary and secondary schools: 315,730
- Per pupil spending: $6,040
- Per pupil spending rank: 16 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.3/1
- Pupil/Teacher rank: 31 out of 51
- Graduation rate: 65.0 percent
- Graduation rank: 39 out of 51
- SAT rank: 22 out of 27
- NAEP score: 33 out of 39

Background:

In 1993, New Mexico passed the Charter Schools Act. This law authorized the State Board of Education to create charter schools within local school districts; permitted schools to restructure their curricula and encouraged different and innovative teaching methods; and allowed local school boards to allocate funds to individual schools for site-based budgeting and expenditures. Each charter is granted in five-year intervals with a review process for renewal at the end of the five years. Five schools in the state may operate as charter schools, but only existing schools may apply.

The application for a charter requires a minimum of 65 percent support from the teachers in a school. The State Board of Education is responsible for approving a particular charter, but there is no appeals process for rejected applications. Charter schools are not legally autonomous because they are under the control and authority of local school boards. Rather than institute serious education reform through competition, the charter school system in New Mexico seeks to improve public schools with slight modifications in the current system.

New Mexico allows the state education department to contract with private firms to make educational alternatives available to high school students who are at risk of dropping out of school. Students are considered at risk if they fail three or more classes.

Progress in 1996:

One new charter school opened its doors for the 1996/1997 school year. Currently, five charter schools are operating in New Mexico, and two of these schools serve the most at-risk students in their respective districts.

Legislative Developments in 1996:

Charter Schools: The legislature likely will consider a proposal to expand and allow more autonomy in its charter schools in 1997.

School Choice: Senate Bill 110, which would establish a limited private school choice program for low-income families, was introduced but failed to pass.

Position of the Governor:

Governor Gary Johnson, a Republican, supports public school choice and charter schools.

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New York

State Profile:

- Total number of students in public elementary and secondary schools: 2,790,700
- Per pupil spending: $8,217
- Per pupil spending rank: 4 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 15.1/1
- Pupil/Teacher rank: 12 out of 51
- Graduation rate: 63.3 percent
- Graduation rank: 43 out of 51
- SAT rank: 15 out of 24
- NAEP score: 24 out of 39

Background:

There is wide support for the concept of school choice in New York State. According to a 1995 survey conducted by the Empire Foundation and the Lehrman Institute,[11] a majority of New York residents (54 percent) wants to allow school parents to send children to the public, parochial, or private school of choice and use their own tax dollars to pay for all or part of it.

Even more residents (60 percent) believe that school choice would improve the quality of education.

However, school choice is not generally available in New York State. Numerous private scholarship programs (for example, the School Choice Scholarship Foundation, the Student Sponsor Partnership, Operation Exodus, and the BISON Fund) allow private and parochial schools to serve a growing number of children from all income levels and racial, ethnic, and religious backgrounds. The state provides transportation to students in non-governmental schools, as long as they use existing school bus routes. Public school choice and magnet schools have been beneficial.

New York City is the site of the well-known school choice plan in East Harlem's District 4. In 1974, school officials in District 4 allowed teachers in Harlem's junior high schools to redesign and create new schools, and parents were allowed to choose which schools their children would attend. This innovative program is credited with raising reading scores, lifting Harlem from 32nd among New York City's 32 school districts in 1973 to a high of 15th in 1987. East Harlem's reading scores have fallen somewhat since then, but remain in the middle range for New York City districts. The school choice plan also has attracted white students to the largely minority school district. At least four other New York districts are experimenting with similar intra-district programs, and Districts 7 (South Bronx) and 5 (Central Harlem) are beginning to implement a choice system.

In January 1993, the City Board of Education adopted a proposal to broaden school choice. In September 1993, the city's 700,000 elementary and junior high school students began attending city schools outside their districts so long as

11. Richard J. Behn and Douglas Muzzio, Ph.D., "Empire State Survey, Students at Risk: New Yorkers on Education," Lehrman Institute, August 1995, p. V.

space was available. This citywide policy applied only to out-of-district transfers; transfers within a district vary according to the policy of the district. No provision was made for transportation, which posed a number of problems. The city's best public schools tend to be crowded.

The Student-Sponsor Partnership, founded by Peter Flanigan, managing director of Dillon, Read, and Company in New York City, has awarded vouchers since 1986 to low-income, at-risk, New York City high school students to allow them to attend private (generally Catholic) high schools. Two other programs also help low-income students attend private schools of their choice: The Albany-based Hope Through Education program awarded half-tuition scholarships, up to a maximum of $1,500, to 40 low-income students for the 1996/1997 school year and has 400 students remaining on its waiting list; and a similar program in Buffalo, known as the BISON Fund, provided vouchers for 323 students and has another 863 on its waiting list.

The New York City-based Operation Exodus Program has placed nearly 100 low-income inner-city children in different religious schools in rural areas since it was organized.

In 1995, State Senator Serphin R. Maltese (R-15) and Assemblyman Dov Hikind (D-48) introduced Assembly Bill 2053 for the third time since 1993. Their bill, the Elementary and Secondary Education Improvement Act of 1993, would give parents educational choice. When first introduced in June 1993, it had only one sponsor; in January 1994, it had eight sponsors; finally, in January 1995, it was reintroduced with the support of 13 legislators. The bill would:

Establish the use of vouchers. Students in kindergarten through 12th grade would be eligible to use educational vouchers to attend any public or non-public institution.

Assist low-income families. During the program's first year, only families with the lowest 33 percent of gross household income in the state would be eligible for vouchers. Funding for the voucher would be 20 percent of the state's public school cost per pupil, roughly $1,500. During the second year, only families with the lowest 66 percent in gross household income in the state would be eligible for the vouchers. Funding for the voucher would increase to 30 percent of the state's public school cost per pupil, roughly $2,300.

Broaden school choice. During the third year and for all years thereafter, the program would be open to all families in New York State. Funding for the voucher would be 40 percent of the state's public school cost per pupil, roughly $3,000.

For the third year in a row, the bill died in the education committees. The bill was well received by local communities, but the local teachers unions worked to secure its defeat.

Progress in 1996:

Much attention was given to the benefits of religious schooling in New York City last year. In the fall of 1996, Mayor Rudolph Giuliani urged educators and lawmakers to use Catholic schools as models for reform, and offered a proposal to allow students performing in the bottom 5 percent to attend a religious school—a proposal that Cardinal John J. O'Connor repeatedly has offered to implement at no charge in response to a challenge from then-American Federation of Teachers President Albert Shanker. Faced with fierce opposition from the education establishment, Giuliani's plan never came to fruition. A similar plan by Regent Carlos Carballada to allow children in New York City's 87 failing schools to choose a better school was rejected by the city's Board of Regents. Further developments on this front are expected in 1997.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 session. A plan is likely in 1997.8

School Choice: No new school choice proposals were introduced during the 1996 legislative session.

Position of the Governor:

Governor George Pataki, a Republican, strongly supports a full school choice program and charter schools.

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North Carolina

State Profile:

- Total number of students in public elementary and secondary schools: 1,146,639
- Per pupil spending: $4,682
- Per pupil spending rank: 35 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 16.4/1
- Pupil/Teacher rank: 23 out of 51
- Graduation rate: 65.7 percent
- Graduation rank: 37 out of 51
- SAT rank: 21 out of 24
- NAEP score: 18 out of 39

Background:

North Carolina has no school choice or charter school laws. One charter school bill was introduced during the 1995 legislative session. Senator Fletcher Hartsell (R–22) introduced Senate Bill 941, the Charter School Act of 1995, on May 8, 1995. The bill was referred to the Senate Education/Higher Education Committee.

The bill included a mandate for a minimum enrollment of 100 students and a minimum number of three certified teachers per charter school. Charter schools would be public schools established within the local school administrative unit and would be accountable to local school boards. All approved charters would have to be nonsectarian.

Although the bill contained relatively strong charter school provisions, it also contained provisions restricting the freedom of charter schools. Under the bill, any individual, group of individuals, or nonprofit corporation could apply to establish a charter school. Current public schools could convert to charter status providing that a majority of the teachers, staff, and parents agreed to support such a move. An established cap would allow three charter schools per district per year, and each charter would have a five-year term. This would establish a 100-charter school cap for the state. Funding for the charter school's pupils would be at the per-pupil cost level for the district in which the charter school is located.

While S.B. 941 stopped short of allowing charter schools the full control necessary to achieve serious reform, it nonetheless represented a step forward. However, the bill died in the Senate Education Committee.

Two school choice bills were introduced during the 1995 legislative session. On April 12, 1995, Representative Steve Wood (R–27) introduced House Bill 954, the Parental Choice in Education Act. In its original form, the bill would have provided tuition vouchers for up to $1,500 to parents of public school children who wished to enroll their children in a non-public school. It also would have given tax credits to parents who choose home schooling. The Appropriations Subcommittee on Education eliminated the voucher proposal and revised the provisions that dealt with credits against state income tax. The bill was then removed from consideration.

Representative Larry R. Linney (R–51) sponsored H.B. 781, An Act to Increase Educational Opportunity, to provide tuition grants for parents to send their children to non-public schools. The tuition grants would be worth 100 percent of the district's per-pupil spending for special needs students and for families with incomes of less than 175 percent of the federal poverty level; the amount would be equal to 75 percent of the district's per-pupil spending. The bill provided no money for tuition grants in the first year for families whose incomes were greater than or equal to 175 percent of the federal poverty level. However, these families in subsequent years would have been eligible for a tuition voucher worth 50 percent of the district's per-pupil allocation. The bill stalled in the Appropriations Subcommittee on Education and was not acted on in 1995.

Because of a deadlock between legislators looking to reform North Carolina's schools and legislators protecting the status quo, all legislation

concerning school choice and charter schools was removed from consideration in 1995.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 session.

School Choice: No school choice legislation was introduced during the 1996 session.

Position of the Governor:

Governor James B. Hunt, a Democrat, is not friendly to the concept of school choice for North Carolina. His position on charter schools is unknown.

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North Dakota

State Profile:

- Total number of students in public elementary and secondary schools: 119,288
- Per pupil spending: $4,435
- Per pupil spending rank: 40 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 14.9/1
- Pupil/Teacher rank: 10 out of 51
- Graduation rate: 83.5 percent
- Graduation rank: 8 out of 51
- ACT rank: 11 out of 27
- NAEP score: 2 out of 39

Background:

An inter-district public school choice bill was passed in 1993 and signed into law; however, school districts are under no obligation to provide transportation for transferring students. Districts may allow inter-district and intra-district transfers of students at the discretion, respectively, of both districts or of schools within the same school district. For funding purposes, students are counted as students in the receiving district. A maximum of 20 percent of a district's students are eligible to transfer. Currently, 805 students participate in the program.

Two school choice bills were introduced during the 1995 session. The first, Senate Bill 2235, sponsored by Senator Terry Wanzek (R–29), would have provided tuition tax credits to families who enroll their children in public and nonpublic schools. Families could claim a tax credit for 50 percent of the amount paid on tuition and textbooks, up to $500, with one restriction: The tax credit could not be used for textbooks of a religious nature. This restriction was modeled after Minnesota's tuition tax deduction law, which stipulates that textbooks of a religious nature may not qualify for credit. The Wanzek bill, however, would have allowed parents to enroll their children in public, private, or religious institutions and receive a tax credit worth half the tuition. The bill was introduced on January 5, 1995, but failed to win the approval of the Senate Education Committee. It was brought to the Senate floor and subsequently defeated by a vote of 17 to 32 on February 13, 1995.

House Bill 1350, the second school choice bill, would have provided statewide open enrollment, allowing elementary or high school students to

attend school in a district other than their own. Included in the bill were provisions to provide state-funded transportation among districts for students. The bill was defeated in the House on February 8, 1995.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Edward T. Schafer, a Republican, favors forms of public school choice but is opposed to private school choice.

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Ohio

State Profile:

Total number of students in public elementary and secondary schools: 1,825,410
Per pupil spending: $5,661
Per pupil spending rank: 22 out of 51 (50 states and the District of Columbia)
Pupil/Teacher ratio: 17.6/1
Pupil/Teacher rank: 36 out of 51
Graduation rate: 75.5 percent
Graduation rank: 22 out of 51
ACT rank: 11 out of 27
NAEP score: N/A

Background:

In 1990, Ohio became the fifth state to enact statewide open enrollment. Under the law, schools are required to accept students from within their district, providing space is available. Students may transfer between districts, with the state's share of funding following them to the new school. The law went into effect in the 1993/1994 school year.

Inter-district open enrollment currently operates successfully in over half of the state's 600 school districts, with over 16,900 students participating. Ohio also offers post-secondary enrollment options; high school students may enroll in college courses at nearby universities and community colleges.

On June 30, 1995, Governor George Voinovich signed into law a two-year state budget package that created a $5 million pilot voucher program in Cleveland to take effect in September 1996. With his signature, Governor Voinovich enabled Ohio to become the first state in the nation to have completed the enactment of full school choice, including private and religious schools. The proposal, which was included in the governor's budget package, was finally approved by the House–Senate Conference Committee on June 23, 1995. It allows parents of 1,500 Cleveland elementary students to use vouchers at private or religious schools. Governor Voinovich's plan establishes:

- A voucher fund of $5 million to cover the vouchers and tutorial assistance grants (1996/1997 academic year);
- Broad student eligibility for any student residing in the Cleveland City School District, from kindergarten through the third grade;
- Broad school eligibility for any state-chartered private school, whether religiously affiliated or non-religious; and
- A generous scholarship, up to a maximum of $2,250. Low-income students receive 90 percent of private school tuition cost; others receive vouchers worth 75 percent of tuition cost.

Initially, the program is limited to students from kindergarten through the third grade; each year after the first, one grade level will be added, up to and including the eighth grade. This innovative voucher program should create additional funds for Cleveland's public schools and teachers. It allows Cleveland public schools to keep up to 55 percent of state aid per pupil (an average of $5,600) even if parents elect to take the maximum voucher (worth 45 percent of state aid, or $2,500) to spend on private school tuition. The teachers unions do not favor this; in January 1996, the American Federation of Teachers filed suit on constitutional grounds and asked for an injunction against the program pending the final outcome of that case.[12]

Progress in 1996:

On July 31, 1996, Franklin County Common Pleas Judge Lisa Sadler ruled that the legislatively approved Cleveland school choice program does not violate either the Ohio Constitution or the federal Constitution. She noted that the religion clauses of the Ohio Constitution are no more restrictive than the First Amendment, and that because "the nonpublic sectarian schools participating in the scholarship program are benefited only indirectly, and purely as the result of the 'genuinely independent and private choices of aid recipients,'" the inclusion of religious schools in a voucher program does not violate the First Amendment. Liberal attempts to halt the choice program by an emergency injunction failed.

The Cleveland Scholarship Program was underway in 1996. More than 6,000 parents applied for vouchers for their children, and about 1,855 children were able to participate in the first year of the two-year pilot program.

Legislative Developments in 1996:

Charter Schools: No new charter school legislation was introduced during the 1996 session.

School Choice: No school choice legislation was introduced during the 1996 session.

Developments in 1997:

On May 1, 1997, the Ohio Court of Appeals struck down the Cleveland Pilot Project Scholarship Program, overturning Judge Lisa Sadler's landmark decision. The Court of Appeals determined that the program violated the religious establishment clauses of the U.S. and Ohio Constitutions, as well as a provision of the Ohio Constitution requiring that general laws have statewide application. The Washington, D.C.-based Institute for Justice plans to appeal the decision to the Ohio Supreme Court.

Position of the Governor:

Governor George Voinovich, a Republican, has been a leader in the fight to establish a full school choice program in the state. Largely through his efforts, Ohio is the first state in the nation to enact legislation providing school vouchers for use in religious private schools as well as public schools. In his 1997 budget, Voinovich plans to push both for a pilot charter school proposal and for an expansion of the existing Cleveland school choice program.

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12. Center for Education Reform, *School Reform in the United States: State by State Summary*, Spring 1997, p. 24.

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Oklahoma

State Profile:

- Total number of students in public elementary and secondary schools: 611,138
- Per pupil spending: $4,364
- Per pupil spending rank: 41 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 15.4/1
- Pupil/Teacher rank: 17 out of 51
- Graduation rate: 70.8 percent
- Graduation rank: 30 out of 51
- ACT rank: 11 out of 27
- NAEP score: N/A

Background:

While Oklahoma has not passed any school choice or charter school legislation, it has begun to explore a series of innovative approaches to solving problems in its public schools. Governor Frank Keating held a series of meetings with key national education reform leaders, and a groundswell of grassroots activity, led by the Oklahoma chapter of the Christian Coalition, has developed to support school vouchers.

House Bill 1703, a bill to establish a Charter School Task Force, was enacted during the first legislative session of 1995. The Task Force was organized to study and make recommendations on charter schools and the use of private management in public schools. Members of the Task Force include representatives from both the public and private education community and the business sector.

Five open-enrollment bills were introduced during the 1995 legislative session: House Bills 1399, 1447, 1698, and 1906, and a companion bill in the Senate, S.B. 52. All of these bills would allow Oklahoma students to attend any public school within or outside their respective districts. None passed.

In 1995, Senator Don Rubottom (R-Tulsa) re-introduced a bill, S.J.R. 17, with the firm support of the Committee for Oklahoma Education Reform. The bill would amend the Oklahoma constitution to give scholarships to parents who have children in elementary and secondary public or private schools. S.J.R. 17 also would allow the legislature to develop a funding system for schools serving students from kindergarten through the 12th grade. This system would collect all of the operational funds compiled for common education into a single K-12 account to be held by the state treasurer. It would establish scholarships at an amount equal to or less than the state per-pupil expenditure for children whose parents choose public schools and 50 percent to 70 percent of that amount for students whose parents choose private schools. After five years, the amounts could be adjusted by the Oklahoma legislature.[13] This legislation also failed.

Progress in 1996:

The Oklahoma Scholarship Fund, located in Oklahoma City, is a private voucher program affiliated with CEO America. During the 1996/1997 school year, 117 scholarships were provided to poor children; 342 children are on the waiting list.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School Choice: No school choice legislation was enacted during the 1996 legislative session.

13. Blum Center for Parental Freedom in Education, Marquette University, *Educational Freedom Report No. 30* (December 15, 1995), p. 4.

Position of the Governor:

Governor Frank Keating, a Republican, supports both public and private school choice. Governor Keating recently has begun a series of meetings with national leaders in the education reform movement to determine what could work to improve education in Oklahoma.

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Oregon

State Profile:

- Total number of students in public elementary and secondary schools: 521,945
- Per pupil spending: $5,740
- Per pupil spending rank: 20 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 19.9/1
- Pupil/Teacher rank: 46 out of 51
- Graduation rate: 70.9 percent
- Graduation rank: 29 out of 51
- SAT rank: 1 out of 24
- NAEP score: N/A

Background:

A 1991 Oregon law contains two provisions for public school choice. The first permits parents of children who have not made progress at any grade level for at least one year to choose another school, provided the receiving school agrees to accept the student. The second creates a tenth-grade certificate of Initial Mastery indicating a certain level of basic skills. A student earning this certificate may attend any public school or state community college to pursue vocational or college preparatory course work. Choice would become a reward for academic achievement.

In 1990, Oregon residents rejected a ballot initiative introduced by Oregonians for School

Choice, a grassroots parents organization. Under Measure 11, parents could have received vouchers worth $1,200, either to help them send their children to the public or private schools of choice or to help them pay for home schooling. Although the initiative was defeated by a two-to-one margin, the campaign galvanized a grassroots coalition to promote school choice.

Oregon came close to adopting its first charter school law in 1995. House Bill 2892 was passed by the House but failed to win support in the Senate. The bill would allow parents, teachers, or other groups to apply for a charter. Charter schools also would be "discrete legal entities" with serious autonomy. H.B. 2892 failed in the Senate by a close margin, and supporters of the bill hope to bring the issue to the voters through a ballot initiative, a signature campaign, or legislative referral.

Currently, although Oregon has no charter school laws, the U.S. Department of Education is in the process of appropriating funds to enable Oregon to set up charter schools. The state's education reformers fear that these federal funds will be used to establish charter schools that are weakly structured and heavily bureaucratic.

Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor John A. Kitzhaber, a Democrat, has no stated position on school choice or charter schools.

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Pennsylvania

State Profile:

- Total number of students in public elementary and secondary schools: 1,779,790
- Per pupil spending: $7,040

- Per pupil spending rank: 6 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.4/1
- Pupil/Teacher rank: 32 out of 51
- Graduation rate: 79.6 percent
- Graduation rank: 13 out of 51
- SAT rank: 20 out of 24
- NAEP score: 17 out of 39

Background:

On May 9, 1995, Governor Tom Ridge unveiled his Keystone Initiative for a Difference in Our Schools (KIDS) to reform, revamp, and improve Pennsylvania's education system. Designed to develop new opportunities for improving education in Pennsylvania through school choice, charter schools, competition, and local control, the plan represented one of the most far-reaching school choice proposals in the nation. Specifically, KIDS included:

- $1 million for charter schools;
- $38.5 million for the school choice program;
- A proposal to allow parents to choose the public, non-public, or parochial school best suited to their needs, with grants during the program's first year restricted to the poorest families in the state's poorest school districts;
- A proposal to allow the formation of charter schools and to enable schools, teachers, students, and parents to play an active role in education; and
- A proposal to reduce bureaucracy and regulation by reviewing and eliminating certain mandates that strangle local school districts and hinder reform.

The KIDS school choice program would have:

- Provided grants to all children, including children with special needs, enrolled in public and non-public schools whose parents meet the income level guidelines;
- Established eligibility for these grants, which would have been phased in across the state over a three-year period, beginning in school districts with the highest proportion of children from low-income families, and starting with family incomes at or below $15,000 in the first year of implementation and ending with incomes at or below $70,000 in the program's sixth year;
- Set grants at 90 percent of actual tuition or $350 for half-time kindergarten students, $700 for full-time students in kindergarten through eighth grade, and $1,000 for full-time students in grades nine through 12, whichever is lower.

The KIDS school choice proposal met with fierce opposition from over 30 organizations, including the Pennsylvania State Education Association, the state's largest teachers union. After being narrowly defeated in the House, the plan faced an uncertain future in the Senate, and the governor was forced to withdraw it.

Progress in 1996:

A private voucher program in Philadelphia called the Partnership for Educational Choice awarded 100 scholarships to low-income children in 1996.

Legislative Developments in 1996:

Charter Schools: A strong charter school bill cleared the Senate Education Committee in November 1996 but had not been voted on as of March 1997.

School Choice: No new school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Tom Ridge, a Republican, strongly supports returning control of education to families and local communities.

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Rhode Island

State Profile:

- Total number of students in public elementary and secondary schools: 147,490
- Per pupil spending: $6,848
- Per pupil spending rank: 7 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 16.0/1
- Pupil/Teacher rank: 21 out of 51
- Graduation rate: 72.1 percent
- Graduation rank: 28 out of 51
- SAT rank: 18 out of 24
- NAEP score: 10 out of 39

Background:

On June 30, 1995, Governor Lincoln Almond signed into law the Act to Establish Charter Schools (95–H–6373). This legislation restricts charters to existing public schools and allows existing public schools to convert to charter schools without the approval of two-thirds of the teachers and a majority of the parents. All teachers and administrators in a charter school must be certified by the state, and the teachers remain employees of the school district.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Lincoln Almond, a Republican, supports school choice. He signed the state's first charter school bill into law on June 30, 1995.

State Contacts:

N/A

South Carolina

State Profile:

- Total number of students in public elementary and secondary schools: 641,820
- Per pupil spending: $4,292
- Per pupil spending rank: 43 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 16.5/1
- Pupil/Teacher rank: 25 out of 51
- Graduation rate: 60.9 percent
- Graduation rank: 46 out of 51
- SAT rank: 24 out of 24
- NAEP score: 35 out of 39

Background:

South Carolina has enacted neither school choice nor charter school laws. A weak charter school law, the South Carolina Charter Schools Act of 1995 (H.B. 3388), sponsored by Representative Scott H. Richardson (R–123), did not provide for full charter school autonomy, did not indicate an allowable number of schools, and did not specify the length of a charter. It also imposed several bureaucratic mandates. For example, religious schools were not eligible for charters; at least 80 percent of the teaching staff at an interested public school would have to be state-certified before the school could convert; and two-thirds of the school's teachers and administrators, two-thirds of the parents, and a majority of the local school board would have to approve the conversion. Even with the inducement that charter schools would be free from state and local regulations, the prospect of receiving a charter under such restrictive circumstances was doubtful. The bill died in the Committee on Education and Public Works in January 1995.

A school choice bill was introduced during the 1995 legislative session by state Senator Michael Thomas Rose (R-38). S.B. 186, the Parental Choice in Education Act, would provide a full voucher program for South Carolina families. The parents of each school-age child in the state would receive a certificate to be used for educational services at a participating private or public school. Certificates would be equal to the district's per-pupil spending amount or the school's tuition, whichever is less, and funds would come directly from the student's former school. The bill also includes special provisions for at-risk students. S.B. 186 has been in the Senate Education Committee since January 1995.

Progress in 1996:

In June 1996, the legislature passed a charter school law allowing local school boards to sponsor a charter school. The legislation includes no caps.

Governor David Beasley introduced a constitutional amendment in the Senate to allow tuition vouchers for kindergarten students. The program would have been phased in over a three-year period, beginning with low-income families and including all families in the state by the third year. The amendment was defeated by a vote of 27 to 13 on May 2, 1996.

Legislative Developments in 1996:

Charter Schools: See above, Progress in 1996.

School Choice: No additional school choice legislation was enacted during the 1996 legislative session.

Position of the Governor:

Governor David M. Beasley, a Republican, supports the concept of school choice and vouchers. He also has indicated interest in a pilot voucher program.

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South Dakota

State Profile:

- Total number of students in public elementary and secondary schools: 143,411
- Per pupil spending: $4,323
- Per pupil spending rank: 42 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 15.1/1
- Pupil/Teacher rank: 12 out of 51
- Graduation rate: 88.9 percent
- Graduation rank: 3 out of 51
- ACT rank: 11 out of 27
- NAEP score: N/A

Background:

During the 1995 legislative session, state Representative Hal Wick (R-12) introduced H.B. 1294 to allow students to attend a public school of choice in any district in the state. The bill managed to move through committee but failed to win passage on the House floor. Public school choice is not supported enthusiastically in South Dakota because of the lack of multiple public schools within a particular area. Competition between schools would be rare because the distance between existing schools is great. Students are forced to attend the public school in their area.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was enacted during the 1996 legislative session.

School Choice: No school choice legislation was enacted during the 1996 legislative session.

Position of the Governor:

Governor William J. Janklow, a Republican, has not stated his position on school choice or charter schools. Mr. Janklow also served as governor from 1979 to 1987, during which time he instituted an open enrollment program. After his departure in 1987, the legislature repealed the open enrollment law.

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Tennessee

State Profile:

- Total number of students in public elementary and secondary schools: 865,729
- Per pupil spending: $3,919
- Per pupil spending rank: 47 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 17.7/1
- Pupil/Teacher rank: 39 out of 51
- Graduation rate: 66.5 percent
- Graduation rank: 36 out of 51
- ACT rank: 19 out of 27
- NAEP score: 19 out of 39

Background:

Tennessee law allows students to attend public schools outside their district, but there are bureaucratic restrictions on the choices. For example, transferring students must obtain permission from the receiving district's school board to ensure that the transfer does not harm state desegregation efforts. Currently, only 3 percent of public

school students cross district lines to attend the school of their choice. During the 1995/1996 school year, 4,624 students crossed district lines.

In 1995, the Children's Educational Opportunity (CEO) Foundation of Knoxville began distributing scholarships to low-income families to enable them to send their children to schools of their own choosing. Currently, 22 low-income students receive scholarships; another 178 poor children are on a waiting list.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Don Sunquist, a Republican, supports charter schools but opposes private school choice.

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Texas

State Profile:

- Total number of students in public elementary and secondary schools: 3,680,271
- Per pupil spending: $4,894
- Per pupil spending rank: 34 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 16.1/1
- Pupil/Teacher rank: 22 out of 51
- Graduation rate: 57.0 percent
- Graduation rank: 51 out of 51
- SAT rank: 14 out of 24
- NAEP score: 24 out of 39

Background:

Texas has a limited charter school program. In 1993, a pilot voucher program came within one vote of passing the legislature. The bipartisan bill, spearheaded by Representative Kent Grusendorf (R) and a Democrat coalition of mostly Hispanic state legislators, would have allowed low-income parents to apply up to 80 percent of their district's per-pupil spending to the cost of tuition at public or private schools of their choice.

In 1995, the state legislature rewrote the Texas Education Code. The new code provides for two types of charter schools and for home-rule school districts. The State Board of Education is authorized to grant up to 20 open enrollment charters to institutions of higher education, nonprofit organizations, or governmental entities. In addition, open enrollment charter schools generally are free from many state and local laws, rules, and regulations.

School district boards of trustees may grant an unlimited number of charters to parents and teachers as long as they present a petition showing sufficient support. Either a school board resolution or a petition signed by enough registered

voters in a district may initiate the conversion of a district to home rule. With the exception of provisions to ensure accountability, the new code permits an unlimited number of communities to make rules for their districts. As with open enrollment charters, both program and home-rule school district charters relieve charter schools or home-rule districts of burdensome state laws, rules, and regulations. The revised code also allows a student enrolled in a consistently low-performing school to transfer to another school.

As part of the state education code revisions, the Senate passed a pilot school choice program by a vote of 28 to 2. The pilot program would serve low-income children who qualify for the free or reduced federal lunch program (approximately half the children in Texas) in 20 school districts. It also would create "free schools," a new type of public school that is free from state, local, and district rules and regulations. Neither the State Board of Education nor its agents could impose any sort of mandate on these schools. The program would allow parents of poor children to choose between a public school or a free school, with financial support.

Under the new program, free schools would accept public education scholarships funded at 80 percent of the state and local share of the per-pupil cost for the appropriate district, or $3,500. The remaining 20 percent would stay in the school district. Free schools would have to accept students for scholarships through a lottery if more applications than space were available. Scholarship students would be required to take a state standardized test so that their achievement levels could be measured against those of other qualified students.

An expanded version of this measure, introduced in the Texas House to cover 60 districts, included a reduction in rules governing the free schools. The House defeated the measure by a vote of 83 to 63, and the Joint Education Conference Committee did not include the Senate's provisions in the final bill. School choice thus met with defeat.

In 1992, a group of Texas corporations founded the Children's Educational Opportunity (CEO) Foundation to give half-tuition scholarships to poor students throughout the state. Corporate sponsors include USAA Federal Savings Bank, the *San Antonio Express-News*, the KCI Foundation, Valero Energy Corporation, the David Robinson Foundation, the Zachry Foundation, and Don King Productions. CEO Foundations located in San Antonio, Austin, Houston, Midland, Dallas, and Fort Worth have provided 1,701 low-income students with scholarships. Another 3,297 Texas children are on the waiting list.

The Texas school financing system has been embroiled in legal controversy since 1987 when it was declared unconstitutional by the state Supreme Court. In 1993, the legislature passed a new school finance law designed to comply with the court's ruling. The Texas Justice Foundation filed suit on behalf of Guadelupe and Margie Gutierrez and their children, Lupita and Vanessa, asserting that the state's monopoly on public education funding would never produce a "suitable" and "efficient" system with a "general diffusion of knowledge" as required by the Texas Constitution. The lawsuit requested that the plaintiffs' school district be ordered to contract with a private entity chosen by the family to educate their children. On October 4, 1993, Austin Judge F. Scott McCown ruled against the plaintiffs on the grounds that the relief they were seeking was a "political question."

Progress in 1996:

In 1996, 16 charter schools opened their doors in Texas under the 1995 charter school legislation. Thirteen of these schools serve at-risk students, including teen parents and adjudicated youth.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was passed during the 1996 legislative session.

School Choice: No school choice legislation was passed during the 1996 legislative session.

Position of the Governor:

Governor George W. Bush, Jr., a Republican, supports comprehensive school choice and charter schools. He supported the scholarship program passed by the Senate and efforts by the legislature to return local schools to local control. Governor Bush also supported the pilot voucher proposal for Texas.

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Utah

State Profile:

- Total number of students in public elementary and secondary schools: 471,557
- Per pupil spending: $3,431
- Per pupil spending rank: 50 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 21.6/1
- Pupil/Teacher rank: 50 out of 51
- Graduation rate: 83.4 percent
- Graduation rank: 9 out of 51
- ACT rank: 5 out of 27
- NAEP score: 15 out of 39

Background:

In 1991, Utah enacted a voluntary open enrollment program under which students in participating school districts would be allowed to attend schools in other participating districts; all state-allocated funds would follow a student to his or her new district; and the balance of a transferring student's educational costs in a new district would be split between the sending and receiving school districts. Incentives were lacking, however, and no district agreed to participate during the 1991/1992 school year. The law was amended in 1992 to make open enrollment mandatory as of September 1993. Approximately 15,000 to 20,000 students used the open enrollment option during the 1994/1995 school year.

In 1993, three separate public, private, and parochial school voucher systems were proposed. None made it out of committee to the full House or Senate for a vote. In 1995, Utah's public schools were performing well above the national average on standardized tests, and education reform was not an active issue. S.B. 0160S1, the Higher Education Tuition Tax Credit, introduced by Senator Robert C. Steiner (D–1), would have dealt with the problem of educational financing by providing a tax credit based on a family's income to help parents cope with the rising costs of tuition at state colleges and universities. It failed to pass the Senate.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No new charter school legislation was introduced during the 1996 legislative session.

School Choice: No new school choice legislation was introduced during the 1996 legislative session. The legislature is likely to consider a tuition tax credit proposal in 1997.

Position of the Governor:

Governor Michael Leavitt, a Republican, favors choice within the public school system but strongly opposes private school choice.

State Contacts:

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Vermont

State Profile:

- Total number of students in public elementary and secondary schools: 107,131
- Per pupil spending: $6,767
- Per pupil spending rank: 8 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 12.6/1
- Pupil/Teacher rank: 1 out of 51
- Graduation rate: 86.4 percent
- Graduation rank: 4 out of 51
- SAT rank: 9 out of 24
- NAEP score: N/A

Background:

Since 1869, Vermont has had an educational choice system for students residing in towns that do not maintain their own public schools. The system is not controversial. Despite serving 18 percent of the state's high school student population, 74 of the state's 246 towns have no public schools. Students in these towns may attend public or approved private, "independent" secondary schools selected by their parents that are located either within or outside of Vermont. Their hometown school boards pay their tuition expenses. Towns also permitted students to attend Vermont's three Catholic high schools until 1961 when the Vermont Supreme Court ruled that using public money to pay tuition at a parochial school violated the State Constitution.

The school board of a "tuition town" must pay the full tuition charged by a public school, but private schools receive only an amount equal to the average tuition charged by the state's high school districts ($5,747 in the 1994/1995 school year). If a selected private school charges more than this, the school district may pay the larger amount but cannot be required to do so. The parents must cover any difference.

For the 12 small towns that do not offer education for grades one through six, Vermont's Act 271, passed in 1990, permits the school boards to "tuition" pupils to non-residential independent "private" schools. Parents of students at these schools do not have the legal right to have tuition paid at the school of their choice, but it would be highly unusual for a school board to refuse a parent's request.

In 1994, the Vermont House passed an education finance bill that included a statewide property tax, a local income tax, and statewide collective bargaining for teachers. The Senate passed a companion bill without these provisions. The Senate bill included the regional sharing of tax bases, an educational performance plan, and relief from state rules and regulations to allow for more local flexibility. Governor Howard Dean announced that he would veto the bill, which had passed the Senate by a margin of 20 to 10. The House and Senate could not agree in conference committee, and neither version became law.

The Vermont Senate passed S.B. 16, a charter school bill, on January 6, 1995. Senator Jeb Spaulding (D–Washington County) introduced S.B. 16 to provide for the establishment of up to ten charter schools within five years. Charter schools would be given some autonomy through exemption from state and local education regulations but still would need to comply with various mandates. Religious schools were prevented from gaining charter status, and charters had to

apply to the board of education for any waiver of regulations governing hiring practices.

Under S.B. 16, a charter could be granted through the local school board to two certified teachers or a group of ten parents. An entire school district could convert to a charter school educational program through a successful ballot initiative. One of the strongest features of the charter school legislation is that funding for charter school tuition would be equal to the district's per-pupil funding amount; true competition could take place between the charter school and the public schools. If the student chose to leave a public school to attend a charter school, funding would follow the student.

There were no charter schools in operation in Vermont in 1996.

Progress in 1996:

On August 29, 1996, the town of Chittenden filed a lawsuit seeking a preliminary injunction to ensure that state funds will continue to flow into its school budget. Chittenden plans to send 93 high school students to schools outside the community under a policy in effect since 1869. Because 15 of those students wish to attend religious schools, the state has refused to allocate any general education funds to the town.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Howard Dean, a Democrat, strongly opposes expanding school choice. He is focusing his efforts on increasing state control over local education funding.

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Virginia

State Profile:

- Total number of students in public elementary and secondary schools: 1,059,195
- Per pupil spending: $5,404
- Per pupil spending rank: 26 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 14.8/1
- Pupil/Teacher rank: 8 out of 51
- Graduation rate: 72.3 percent
- Graduation rank: 27 out of 51
- SAT rank: 12 out of 24
- NAEP score: 19 out of 39

Background:

During the 1995 legislative session, Governor George Allen actively pushed education reform. He made significant strides by instituting policies designed to promote high academic standards, return curriculum control to local communities, cap and limit the increase in tuition at Virginia's colleges, and assist parents by issuing report cards evaluating each school's performance.[14]

14. Center for Education Reform, *School Reform in the United States: State by State Summary*, Spring 1997, p. 28.

Five charter school bills were introduced in 1995. H.B. 2535, introduced by Delegate Jay Katzen (R—31), was approved by the Education Subcommittee but failed to reach the floor for a vote. S.B. 1037, a companion bill introduced by Senator John Brandon Bell II (R–21), never made it out of the Committee on Education and Health. Both bills would have established public, nonsectarian charter schools with charters lasting up to ten years, and both would have allowed teachers in these schools to teach without being certified or licensed by the State Board of Education.

H.B. 1625, introduced by Delegate Phillip Hamilton (R–93), would have established charter schools, but it gave the school board the power to restrict the number of charters and capped the state's total at ten in 1996. Furthermore, charters would have been limited to three-year terms, with a majority granted for schools serving at-risk students. While H.B. 2535 and S.B. 1037 provided up to 100 percent of the district's per-pupil funding for the charter, H.B. 1625 allotted only 80 percent of the district's per-pupil spending. H.B. 1625 died in the Education Committee.

The final two charter school bills were H.J. 551, introduced by Delegate J. Paul Councill, Jr. (D–75), and S.J. 334, introduced by Senator Elliot S. Schewel (D–23). These bills established a legislative commission to study, for one year, the charter school issue and the impact charter schools would have on Virginia's education system. The bills passed both houses and were agreed to in February 1995. Members of the Governor's Commission on Champion Schools, appointed in June 1995, included 53 Virginians from various professions. The Commission has suggested various improvements in Virginia's schools, including a voucher program for both public and private schools, charter schools, abolishing tenure for teachers, lengthening the school year, and establishing competition within the school system to weed out "failing" schools.[15]

Progress in 1996:

Governor Allen appointed several people to the State Board of Education who support school choice.

Legislative Developments in 1996:

Charter Schools: No charter school bills were voted out of committee in 1996.

School Choice: No school choice bills were introduced during the 1996 legislative session.

Position of the Governor:

Governor George Allen, a Republican, strongly advocates full school choice. Because of the opposition of liberal legislators and Virginia's education establishment, including the teachers unions, the governor has been dissuaded from pushing voucher legislation. Instead, he has revamped the Virginia educational system by proposing and implementing tougher academic standards.

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15. *Ibid.*, pp. 28-29.

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Washington

State Profile:

- Total number of students in public elementary and secondary schools: 934,309
- Per pupil spending: $5,724
- Per pupil spending rank: 21 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 20.2/1
- Pupil/Teacher rank: 48 out of 51
- Graduation rate: 73.8 percent
- Graduation rank: 25 out of 51
- SAT rank: 2 out of 24
- NAEP score: 19 out of 39

Background:

Intra-district school choice was established for all Washington state school districts in September 1991, although details governing same-district transfers vary from district to district. Transfer between districts is burdened by bureaucratic constraints. Parents wishing to transfer their child to a different district must seek the approval of administrators in their own district first. They must prove that changing districts would result in a clear improvement in their child's education, financial condition, health, or safety. Transfer requests may be granted if the non-district school is closer to a parent's place of work or child care facilities. Districts are not required to accept non-resident students, and those choosing to do so can charge out-of-district students a transfer fee. Despite these obstacles, 16,115 students attended schools outside of their districts during the 1994/1995 school year.

Popular sentiment for choice and competition is growing. In a February 2, 1995, Elway Poll, over 73 percent of Washingtonians responded that public school parents should have the same opportunity to "choose schools that fit their parenting values" that private school parents enjoy. The statewide poll reported that 53 percent of voters agreed that "a system of competition in the public schools would improve the overall quality of education." Only 27 percent said that competition would reduce education quality, while 20 percent said that competition would have no effect.

The only charter school legislation passed by the House—H.B. 1147, introduced by Representative David Quall (D–40) and passed by the House in March 1995—died in the Senate. As a charter school bill, H.B. 1147 was weak, but it was supported by the Washington Education Association. Specifically, this bill:

- Allowed ten charter schools to open statewide, with no more than one charter per district;
- Mandated that charter schools hire state-certified teachers;
- Did not allow charter schools to limit admissions on the basis of intellectual ability;
- Placed specific restrictions on admission based on race and geographical area;
- Stipulated that each charter school would be governed by a board of trustees made up of parents and teachers, which would allow parents and teachers to form a partnership in the education process; and
- Placed specific restrictions against granting charters to religious schools while allowing existing public schools to convert to charter status.

Although H.B. 1147 died in the Senate, the concept has growing support. Education reformers expect charter schools to become a reality in Washington.

Washington also offers post-secondary enrollment options, allowing 11th and 12th grade students to take courses for high school or college credit at community or technical colleges. These

courses are free of charge. Students enrolled in a private school or in home schooling may take advantage of this option as well.

There is a private voucher program operating in Seattle through Children's Educational Opportunity (CEO) Seattle. Currently, six low-income students are receiving assistance, and another 14 are on the waiting list.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No new charter school legislation was introduced during the 1996 legislative session.

School Choice: Ballot Initiative 173, which would have established tuition vouchers for nonsectarian private schools, and Ballot Initiative 177, which would have created charter schools, were defeated in the state elections on November 6, 1996. A reported 60 percent of Washington's voters opposed these initiatives.

Position of the Governor:

Governor Gary Locke, a Democrat, supports the concept of charter schools.

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West Virginia

State Profile:

- Total number of students in public elementary and secondary schools: 309,888
- Per pupil spending: $5,886
- Per pupil spending rank: 18 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 14.8/1
- Pupil/Teacher rank: 8 out of 51
- Graduation rate: 77.9 percent
- Graduation rank: 15 out of 51
- ACT rank: 24 out of 27
- NAEP score: 19 out of 39

Background:

West Virginia has no school choice programs.

Progress in 1996:

No school choice, charter, or voucher activity has been reported.

Legislative Developments in 1996:

Senate Bill 197 and House Bill 1294, introduced during the 1996 session, proposed school choice and open enrollment. Neither bill passed.

Position of the Governor:

Governor Cecil Underwood, a Republican, has not stated a position on school choice or charter schools.

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Wisconsin

State Profile:

- Total number of students in public elementary and secondary schools: 856,661
- Per pupil spending: $6,398
- Per pupil spending rank: 12 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 15.3/1
- Pupil/Teacher rank: 15 out of 51
- Graduation rate: 84.4 percent
- Graduation rank: 6 out of 51
- ACT rank: 1 out of 27
- NAEP score: 3 out of 39

Background:

In April 1990, Governor Tommy Thompson signed legislation spearheaded by Representative Annette "Polly" Williams (D) to gave low-income parents an opportunity to send their children to the private non-sectarian school of their choice at state expense. The Milwaukee Parental Choice Program has expanded every year since its inception. As of fall 1994, 802 students were enrolled in the program, up from 300 in the fall of 1990.

The first program evaluation report, conducted by John F. Witte, Professor of Political Science at the University of Wisconsin-Madison, showed high levels of parent and student satisfaction, increased parental involvement at participating schools, and improved discipline and attendance. While academic test scores rose slightly, the report stated that "no firm conclusion" can be drawn from these results. The report nonetheless called for continuation of the program. Virtually all the parents reported that their children were improving academically, that their attitude toward school had improved, and that they planned to stick with the schools they had chosen.[16]

In response to this record of success, Governor Thompson proposed an expansion of the program in his FY 1995–1997 budget. The budget review committee and the legislature's Joint Committee on Finance approved the package to expand the program to roughly 7,000 students in "year one" and to cap expansion of the program at 15 percent of the Milwaukee Public School District's total enrollment, or approximately 15,000 students, in subsequent years. The changes would expand the current school choice program to include 12 non-sectarian schools for up to 1,500 students, and would give vouchers directly to the parents. Qualifying families could choose from sectarian or non-sectarian schools.

On June 29, 1995, the Wisconsin legislature approved the expansion of the Milwaukee Parental Choice Program; and on July 26, 1995, Governor Thompson signed the new expansion of the program into law.

The major provisions of Wisconsin's Expanded Choice Program [17] are:

- Family income: Eligibility is limited to Milwaukee families with incomes at or below 175 percent of the federal poverty level. An estimated 65,000 to 70,000 children meet the income eligibility guidelines.
- Number of participants: In 1995/1996, participation was limited to 7 percent of enrollment in

16. For copies of annual evaluations of the Milwaukee Parental Choice Program, contact the Wisconsin Department of Public Instruction, P.O. Box 7841, Madison, WI 53707–7841, (608) 266-1771.

17. This summary was compiled by The Mitchell Company. For further information concerning their report, contact The Mitchell Company, 2025 North Summit Avenue, Milwaukee, WI 53202.

the Milwaukee Public Schools (MPS), or about 7,250 students. This rose to 15 percent in 1996/1997, or about 15,700 students, and will remain at that level. In the original program, participation was limited to 1 percent of MPS enrollment; this was increased to 1.5 percent in 1993.

- Eligible schools: Students could attend any private K-12 school in Milwaukee, including religious schools. There are 130 private schools in the city, including 93 sectarian schools, with a capacity to serve 6,400 additional students.
- Finance: The program is funded by state school aid that otherwise would have been paid to the Milwaukee Public Schools. Private schools participating in the program will be paid for operating costs or tuition, or the state's per-pupil school aid to the MPS, whichever is less. State per-pupil aid to the MPS for 1995/1996 was estimated to be about $3,600.
- Method of payment: The state issues a check, payable to the parent or guardian of a participating student, that is mailed to the private school selected by the parent and endorsed by the parent for use by the school.

For the moment, the education establishment and its allies have stopped Wisconsin's poor children from taking advantage of the Milwaukee Choice Program. The American Civil Liberties Union and Wisconsin affiliates of the National Education Association have challenged the constitutionality of the expanded program in the Wisconsin state courts. In mid-August 1995, the Wisconsin Supreme Court assumed original jurisdiction over the lawsuits; and on August 25, it approved motions by the ACLU and the teachers unions for a temporary injunction. Several thousand poor families were affected by being denied the chance to enroll in the schools of their choice.

While the immediate impact was believed to be limited to sectarian schools, the Wisconsin Supreme Court stated in a subsequent ruling that it intended temporarily to halt any expansion—sectarian or non-sectarian—of the Milwaukee Choice Program.

In a remarkable response to the August 1995 injunction, the people of Wisconsin personally donated more than $1.6 million to Partners Advancing Values in Education (PAVE). PAVE gave 50 percent tuition scholarships to about 2,000 students who previously had enrolled in religious schools under the expanded program. PAVE now is providing half-tuition scholarships of up to $1,000 to 4,153 low-income Milwaukee students. This campaign to help children stay in the school of their choice was supported by the Bradley Foundation in Milwaukee and the Metropolitan Milwaukee Association of Commerce.

A March 1995 poll of 1,000 black Milwaukee families conducted by Parents for School Choice, a Milwaukee advocacy group, indicated strong support for school choice among these families. The poll reported that black residents of Milwaukee were dissatisfied with Milwaukee Public Schools and strongly favored expansion of the Milwaukee Parental Choice Program as proposed by Governor Thompson.

The key poll questions and findings were:

- "Would you say that the Milwaukee Public Schools have improved from five years ago, stayed about the same, or gotten worse?"

Improved	21 percent
Same	22 percent
Worse	47 percent
Don't Know	10 percent

- "In which type of school do you think students get a better education, in the Milwaukee Public Schools or in private/parochial schools?"

Milwaukee Public	16 percent
Private/Parochial	70 percent
Don't Know	14 percent

- "Do you think that parents in your area should or should not have the right to choose which local schools their children will attend?"

Should	95 percent
Should Not	3 percent

Don't Know 1 percent

- "A choice plan is currently being offered to low income parents in Milwaukee. Under this plan some parents can choose to send their children to a local public or private school, but not to a parochial system. Would you favor or oppose expanding this choice program to include parochial schools?"

  Favor 71 percent

  Oppose 22 percent

  Don't Know 8 percent

As promised in his January 1993 State of the State address, Governor Thompson included charter school proposals in his budget. Charter school legislation made it through the Senate, but opponents in the House stripped it from their version of the state budget. A watered-down version of the charter school provision was included in the final budget package. The law established a limit of ten charter schools statewide, with no more than two per district. These schools would be free from state education rules but would remain under local school board authority. Education reformers are trying to broaden the application of the charter school law.

Progress in 1996:

Three new charter schools opened in Wisconsin in 1996, bringing the total so far to nine. Four of the state's charter schools target at-risk students.

In March 1996, the Wisconsin Supreme Court announced it had reached a 3-3 stalemate regarding expansion of the Milwaukee Parental Choice Program to include religious schools—a subject of legislation already approved by the state legislature. This split decision returned the case to the Dane County Circuit Court, which later ruled that the expansion was unconstitutional and then barred religious schools from participating in the program. The decision is to be brought before the Wisconsin Supreme Court again.

Legislative Developments in 1996:

Charter Schools: No changes in the 1993 Wisconsin charter school law were made during the 1996 legislative session.

School Choice: No school choice legislation was enacted during the 1996 legislative session.

Position of the Governor:

Governor Tommy Thompson, a Republican, is a strong and nationally prominent supporter of education reform, including full school choice, and has led the fight to enact serious reform in the face of bitter opposition from the education establishment, including leaders of the teachers unions and lawyers affiliated with the ACLU. In his 1996 State of the State address, Governor Thompson reaffirmed his strong support for school choice, stating that "Choice must be at the core of any reform." The governor also has shown interest in strengthening Wisconsin's 1993 charter school law.

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Wyoming

State Profile:

- Total number of students in public elementary and secondary schools: 101,488
- Per pupil spending: $5,823
- Per pupil spending rank: 19 out of 51 (50 states and the District of Columbia)
- Pupil/Teacher ratio: 15.4/1
- Pupil/Teacher rank: 17 out of 51
- Graduation rate: 83.0 percent
- Graduation rank: 10 out of 51
- ACT rank: 8 out of 27
- NAEP score: 9 out of 39

Background:

Wyoming does not have a school choice program. Wyoming is largely rural, and instituting school choice programs across the state is fraught with practical problems. However, when a school district accepts a student from outside the resident school district, the state will reimburse the sending district for the cost.

On March 6, 1995, Wyoming passed its first charter school law. Enrolled Act No. 79 allows for the establishment of public charter schools across the state, restricts the ability of private schools to apply for charter status, and mandates minimum state standards. There is no limit on the number of charters that can be granted, but each charter is limited to a period of five years. The bill also allows charter schools some freedom from the regulatory requirements and laws governing public schools.

Natrona County School District No. 1 allows 11th and 12th grade students to take courses for high school and college credit at nearby Casper College.

Progress in 1996:

No charter school or voucher activity was reported.

Legislative Developments in 1996:

Charter Schools: No charter school legislation was introduced during the 1996 legislative session.

School Choice: No school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Jim Geringer, a Republican, is pursuing innovative options to reform the education

system. These options include charter schools, combined home school-public school accommodations, and broader opportunities for religious educational choice.

State Contacts:

N/A

Puerto Rico

Background:

Puerto Rico has enacted tuition tax credits for parents who pay private school tuition. This program has been stalled by litigation.

A pilot voucher plan was signed into law by Governor Pedro Rosello in September 1993. The $10 million project enabled parents with annual incomes of less than $18,000 to receive vouchers for up to $1,500 toward tuition at the public or private schools of their choice, including religious schools. In addition, 40 public schools have been transformed into self-governing "community schools" which function like charter schools. The vouchers are portable between public schools as well as from private to public and public to private schools.

Preliminary evidence belied the assertion that a voucher program would ruin the public school system. In the fall of 1993, 1,809 vouchers were awarded. Of these, 1,181 were used by students to transfer from one public school to another, 317 were used to move from private to public schools, and 311 were used to shift from public to private schools. In 1994, a total of 16,889 students chose their own schools. Nearly 15,000 of these students selected public schools.

In 1994, as expected, one of the teachers unions filed a lawsuit claiming that Puerto Rico's new school choice law is unconstitutional. The Institute for Justice, a public interest legal group in Washington, D.C., represented a group of parents and children who support the pilot voucher program. In *Asociacion de Maestros* v. *Departamento de Educacion*, a trial court struck down the private school provision as unconstitutional on the grounds that the Puerto Rican Constitution specifies that "No public funds shall be used for the support of schools or educational institutions other than those of the state." (The court did not address the question of separation of church and state.) The Institute for Justice filed a motion for expedited review with the Puerto Rico Supreme Court, along with a motion to stay the trial court's ruling pending appeal, so that the program could proceed into the 1994/1995 school year.

The Puerto Rico Supreme Court granted a stay to allow the school choice program to continue. However, on November 30, 1994, it ruled 5 to 2 that the scholarship program allowing poor children to attend the school of their choice violated the Puerto Rico Constitution, although it did permit the program to continue until the end of the 1994/1995 school year. The public school choice provision is allowed to continue indefinitely. Because the decision was based solely on the Puerto Rico Constitution, the case will not be appealed to the U.S. Supreme Court. The ruling does not establish a precedent for school choice programs in other states or jurisdictions.

In 1995, the Puerto Rico legislature enacted a law to create a private and corporate-funded foundation to administer a full choice program. The legislation also allows for the creation of community schools which will have the autonomy, flexibility, and creativity associated with charter schools.[18]

Progress in 1996:

No charter school or voucher legislation was reported.

Legislative Developments in 1996:

Charter Schools: No new charter school legislation was introduced during the 1996 legislative session.

18. Center for Education Reform, *School Reform in the United States: State by State Summary*, Spring 1997, p. 31.

School Choice: No new school choice legislation was introduced during the 1996 legislative session.

Position of the Governor:

Governor Pedro Rosello, an Independent, has spearheaded Puerto Rico's school choice plan. He is a strong proponent of educational reform.

State Contacts:

N/A

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